

MUNICIPAL CODE OF THE CITY OF CRESTWOOD, MISSOURI

Published in 1985 by Order of the Board of Aldermen

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Municipal Code Corporation • PO Box 2235 Tallahassee, FL 32316
info@municode.com • 800.262.2633
fax 850.575.8852 • www.municode.com

OFFICIALS

of the

CITY OF CRESTWOOD, MISSOURI

AT THE TIME OF THIS REPUBLICATION

Gregg Roby

Mayor

Richard Breeding

Darryl Wallach

Ward 1

Justin Charboneau

Mary Stadter

Ward 2

Grant Mabie

Bill Boston

Ward 3

Cynthia Minor

Timothy Anderson

Ward 4

Aldermen

Lisa O. Stump

City Attorney

Mark Sime

City Administrator

Helen Ingold

City Clerk

PREFACE

This Code constitutes a complete republication of the ordinances of the City of Crestwood of a general and permanent nature.

Source materials used in the preparation of the Code were the 1985 Code and ordinances subsequently adopted by the Board of Aldermen. The source of each section is included in the history note appearing in parentheses at the end thereof. The absence of such a note indicates that the section is new and was adopted for the first time with the adoption of the Code. By use of the Comparative Tables appearing in the back of this volume, the reader can locate any ordinance included herein.

The chapters of the Code have been conveniently arranged in alphabetical order and the various sections within each chapter have been catchlined to facilitate usage. Footnotes which tie related sections of the Code together and which refer to relevant state laws have been included. A table listing the state law citations and setting forth their location within the Code is included at the back of this volume.

Numbering System

The numbering system used in this Code is the same system used in many state and municipal codes. Each section number consists of two component parts separated by a dash, the figure before the dash referring to the chapter number and the figure after the dash referring to the position of the section within the chapter. Thus, the first section of Chapter 4 is numbered 4-1 and the tenth section of Chapter 1 is 1-10. Under this system, each section is identified with its chapter and at the same time new sections or even whole chapters can be inserted in their proper place simply by using the decimal system for amendments. By way of illustration: If new material consisting of three sections that would logically come between Sections 1-4 and 1-5 is desired to be added, such new sections would be numbered 1-4.1, 1-4.2 and 1-4.3, respectively. New chapters may be included in the same manner. If the new material is to be included between Chapters 4 and 5, it will be designated as Chapter 4.5. Care should be taken that the alphabetical arrangement of chapters is maintained when including new chapters. New articles and new divisions may be included in the same way or, in the case of articles, may be placed at the end of the chapter embracing the subject, and, in the case of divisions, may be placed at the end of the article embracing the subject, the next successive number being assigned to the article or division.

Index

The index of the Code has been prepared with the greatest of care. Each particular item has been placed under several headings, some of the headings being couched in lay phraseology, others in legal terminology, and still others in language generally used by municipal officials and employees. There are numerous cross references within the index which stand as guideposts to direct the user to the particular item in which he is interested.

Looseleaf Supplements

A special feature of this Code to which the attention of the user is especially directed is the looseleaf system of binding and supplemental servicing for the Code. With this system, the Code will be kept up-to-date periodically. Upon the final passage of amendatory ordinances, they will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the Code, with instructions for the manner of inserting the new pages and deleting the obsolete pages. Each such amendment, when incorporated into this Code, may be cited as a part hereof.

The successful maintenance of this Code up-to-date at all times will depend largely upon the holder of the volume. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publishers that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

The republication of this Code was under direct supervision of Dennis Sinnett, Vice President, Supplement Department, and Kelly Cribbs, Editor, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publishers are most grateful to Helen Ingold, City Clerk, for her cooperation and assistance during the progress of the work on this Code. It is hoped that the City's efforts and those of the publishers have resulted in a Code of Ordinances which will make the active law of the City readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the City's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

SUPPLEMENT HISTORY TABLE

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the Code's historical evolution.

Ord. No.	Date Adopted	Include/ Omit	Supp. No.
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4509	11-25-14	Include	1
4510	12- 9-14	Omit	1
4511	12- 9-14	Omit	1
4512	12- 9-14	Omit	1
4513	12- 9-14	Omit	1
4514	12- 9-14	Omit	1
4515	12- 9-14	Include	1
4516	12- 9-14	Omit	1
4517	12- 9-14	Omit	1
4518	12- 9-14	Omit	1
4519	12- 9-14	Omit	1
4520	12- 9-14	Omit	1
4521	12- 9-14	Omit	1
4522	12- 9-14	Include	1
4523	12- 9-14	Omit	1
4524	12- 9-14	Omit	1
4525	12- 9-14	Include	1
4526	12- 9-14	Omit	1
4527	12- 9-14	Omit	1
4528	12- 9-14	Omit	1
4529	12- 9-14	Omit	1
4530	1-13-15	Omit	1
4531	1-13-15	Omit	1

4532	1-13-15	Omit	1
4533	1-27-15	Omit	1
4534	1-27-15	Omit	1
4535	1-27-15	Omit	1
4536	1-27-15	Omit	1
4537	1-27-15	Omit	1
4538	1-27-15	Omit	1
4539	1-27-15	Omit	1
4540	2-10-15	Omit	1
4541	2-24-15	Omit	1
4542	2-24-15	Omit	1
4543	2-24-15	Omit	1
4544	3-10-15	Omit	1
4545	3-10-15	Omit	1
4546	3-10-15	Omit	1
4547	3-10-15	Omit	1
4548	3-24-15	Omit	1
4549	3-24-15	Omit	1
4550	3-31-15	Omit	1
4551	4-14-15	Omit	1
4552	4-14-15	Omit	1
4553	4-14-15	Include	1
4554	4-14-15	Omit	1

4555	4-28-15	Omit	1
4556	5-12-15	Omit	1
4557	5-26-15	Omit	1
4558	5-26-15	Omit	1
4559	6- 9-15	Omit	1
4560	6- 9-15	Omit	1
4561	6- 9-15	Omit	1
4562	6- 9-15	Omit	1
4563	6- 9-15	Omit	1
4564	6- 9-15	Include	1
4565	6- 9-15	Include	1
4566	6-23-15	Omit	1
4567	6-23-15	Omit	1
4568	6-23-15	Omit	1
4569	7-28-15	Omit	2
4570	7-28-15	Omit	2
4571	7-28-15	Omit	2
4572	8-11-15	Include	2
4573	8-25-15	Include	2
4574	8-25-15	Omit	2
4575	8-25-15	Omit	2
4576	8-25-15	Omit	2
4577	8-25-15	Omit	2

Chapter 1 - GENERAL PROVISIONS

Sec. 1-1. - Code generally.

- (a) *Title.* This Code of Ordinances may be known and cited as the Municipal Code of the City of Crestwood, Missouri.
- (b) *Amendments.* Any additions or amendments to this Code are incorporated in this Code so that a reference to the Municipal Code of the City of Crestwood, Missouri, includes such additions and amendments.
- (c) *Numbering of sections.* Each section number of this Code shall consist of two (2) component parts separated by a hyphen, the figure before the hyphen referring to the chapter number and the figure after the hyphen referring to the position of the section within the chapter.
- (d) *Numbering additions.* The hyphen system (plus the decimal system if desired or necessary) shall be used for all additions or amendments to this Code. When a chapter or section is to be added, the new chapter or section shall be given a hyphenated character (and a decimal character if desired or necessary).

(Code 1965, § 101)

State Law reference— Ordinances to conform to state law, RSMo 71.010; ordinances under police power, etc., RSMo 79.110, 79.450; ordinances, how passed, RSMo 79.130.

Sec. 1-2. - Definitions.

- (a) Terms used in this Code, unless otherwise specifically defined, have the meanings prescribed by the Revised Statutes of Missouri for the same terms.
- (b) Terms used in this Code have the following meanings:

Appointment by the mayor: All persons holding any office which is to be filled by appointment by the mayor shall hold such office for a term expiring with that of the mayor, unless otherwise specified by ordinance.

Board of aldermen, board, general titles. The board of aldermen of the City of Crestwood, and similarly the title of any officer, board or commission shall refer to such officer, board or commission of the City of Crestwood, unless otherwise stated.

City: The City of Crestwood, Missouri.

City counselor: The city attorney, unless the contrary intent clearly appears, and shall be construed to include assistant city attorneys and special counsel in their capacities acting as assistants to the city attorney.

County: St. Louis County, Missouri.

Gender: The masculine gender includes the feminine and neuter genders.

Number: The singular includes the plural.

Ordinances: The ordinances of the City of Crestwood and all amendments thereto.

Person: Any natural individual, firm, partnership, trust, association, joint-stock company or corporation. As applied to partnerships or associations the word includes the partners or members thereof; and as applied to corporations it includes the officers, agents or employees thereof who are responsible for the act referred to.

Revised Statutes of Missouri, RSMo: The latest published edition of the Revised Statutes of Missouri, and all amendments thereto.

State: The State of Missouri.

This Code: The Municipal Code of the City of Crestwood, Missouri.

(Code 1965, § 1.02; Ord. No. 933, § 1, 5-10-66; Ord. No. 1554, 2-11-75)

State Law reference— Statutory definitions, rules of construction, RSMo 1.020 et seq.; appointive officers, RSMo 79.230.

Sec. 1-3. - Catchlines of sections.

The catchlines of the several sections of this Code printed in boldface type are intended as mere catchwords to indicate the contents of the sections and shall not be deemed or taken to be titles of such sections, or as any part of the sections, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted.

Sec. 1-4. - Jurisdiction.

Unless otherwise provided in this Code, this Code applies to acts performed within the corporate limits of the city. Provisions of this Code also apply to acts performed outside the corporate limits and up to the limits prescribed by law where the law confers power on the city to regulate such particular acts outside the corporate limits.

(Code 1965, § 1.05)

Sec. 1-5. - Responsibility for acts.

Every person concerned in the commission of an act prohibited by this Code, whether he directly commits the act or prosecutes, counsels, aids or abets in its commission, may be prosecuted and on conviction is punishable as if he had directly committed such act.

(Code 1965, § 1.07)

Sec. 1-6. - Penalties.

(a) *Standard penalties.* Unless another penalty is expressly provided by this Code for any particular provision, section or chapter, any person violating any provision of this Code, or any rule, regulation or order adopted or issued in pursuance thereof, or any provision of any code adopted herein by reference, shall, upon conviction, be subject to a fine of not more than one thousand dollars (\$1,000.00) or a jail sentence not to exceed ninety (90) days or both, unless a lesser penalty be required by law, in which event the punishment shall not exceed such lesser penalty required by law, any provision of this Code or other ordinance to the contrary notwithstanding costs of prosecution may also be imposed.

(b)

Each day a violation. Where notice has been given to cease a violation or abate a nuisance, or where a person has been convicted for any violation of this Code, each act of violation and every day upon which a violation occurs or continues thereafter constitutes a separate offense.

- (c) *Offense.* When in this Code, the doing of any act or the omission to perform any required act or duty is declared to be unlawful, prohibited, forbidden, an offense or a misdemeanor, any person who performs such act, or fails to perform any required act or duty shall be deemed to have violated this Code and shall be guilty of an offense, and shall be subject to the penalties provided in this section.
- (d) *Applicability.* The penalties provided by the section apply to the amendment of any section of this Code or any Code adopted herein by reference, whether or not such penalty is re-enacted in the amendatory ordinance.
- (e) *Aiding/abetting.* When in this Code, or any amendments thereto, the doing of an act or the omission to perform any required act or duty constitutes an offense, such offense shall extend to and include the causing, securing, aiding or abetting of another person to commit said offense. Likewise, any attempt to commit an offense constitutes an offense for purposes of this section.
- (f) *Reference to sections.* Reference to any section of this Code shall be understood also to refer to and include the penalty section relating thereto, unless otherwise expressly provided.
- (g) *Failure of officers to perform duties.* The failure of any officer or employee of the city to perform any official duty imposed by this Code shall not be an offense and shall not subject such officer or employee to the penalty imposed for a violation of this Code, unless a penalty is specifically provided.

(Code 1965, § 1.06; Ord. No. 1291, 9-28-71; Ord. No. 3964, § 1, 6-13-06)

State Law reference— Limitation on penalty, RSMo 79.470; city prisoners, installment payment of fines, RSMo 71.220; suppression of nuisances, RSMo 71.780.

Sec. 1-7. - Separability of provisions.

Each section, paragraph, sentence, clause and provision of this Code is separable, and if any provision is held unconstitutional or invalid for any reason, such decision shall not affect the remainder of this Code nor any part thereof, other than that part affected by such decision.

(Code 1965, § 1.09)

Sec. 1-8. - Effective date.

This Code shall take effect upon passage and approval and publication in book form under the authority of the board of aldermen.

(Code 1965, § 1.10)

Sec. 1-9. - Copies on file.

Copies of this Code shall be kept available at the city clerk/collector's office for public inspection.

(Code 1965, § 1.11)

Sec. 1-10. - Repeal of ordinances.

- (a) All general ordinances or parts thereof heretofore adopted and not included in this Code are repealed, except those which may be specifically excepted by separate ordinance, and except the following which are hereby continued in full force and effect:
 - (1) Ordinances authorizing contracts or the issue of municipal notes or bonds;

- (2) Ordinances levying taxes or making special assessments;
 - (3) Ordinances appropriating funds or establishing salaries and compensation, and providing for expenses;
 - (4) Ordinances granting franchises or rights to corporations;
 - (5) Ordinances relating to the dedication, opening, establishment of grades, improvement, altering, widening or vacating of streets, alleys, sidewalks or public places;
 - (6) Ordinances respecting the conveyances or acceptance of real property or easements in real property;
 - (7) Ordinances authorizing or relating to particular public improvements;
 - (8) Ordinances relating to air pollution, food establishments, health, rodent control and pesticides; and
 - (9) Any other special ordinances not in conflict with the provisions of this Code.
- (b) The provisions of this Code, so far as they are the same in substance as those of heretofore existing ordinances, are continuations of such ordinances and not new enactments. Any act done, offense committed or right accruing or acquired, or liability, penalty, forfeiture or punishment incurred prior hereto shall not be affected, but may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if the above repeal had not been effected.

(Code 1965, § 1.03)

Sec. 1-11. - Zoning ordinance continued.

The zoning ordinance of the city, known as Ordinance No. 16, as amended and supplemented, is not repealed by this Code but shall remain in full force and effect. The contents of the zoning ordinance appear as Chapter 26 in this Code, with certain minor changes in the numbering system and in other minor details, but without any change in substance, for information and convenience only, but Chapter 26 does not constitute a part of this Code.

(Code 1965, § 1.04)

Sec. 1-12. - Provisions adopted by reference.

Within this Code, the following provisions are adopted by reference:

- (1) The Missouri Municipal Records Manual;
- (2) The St. Louis County Air Pollution Control Code;
- (3) The following codes of St. Louis County:
 - a. Building;
 - b. Electrical;
 - c. Elevators;
 - d. Explosives;
 - e. Mechanical;
 - f. Plumbing; and
 - g. Weights and measures;
- (4) The BOCA Basic Fire Prevention Code;
- (5) Areas of special flood hazard identified by the federal insurance administration;
- (6) The United States Food and Drug Administration "Food Service Sanitation Ordinance;"

- (7) The Missouri Model Traffic Ordinance; and
- (8) The following personnel manuals:
 - a. Civil Service Job Classification and Salary Report;
 - b. City of Crestwood, Missouri Personnel Policy Manual;
 - c. Employee guide for the City of Crestwood; and
 - d. Grievance Procedures Manual.

Editor's note— The St. Louis County Rabies Control Code is referred to (but not specifically adopted) in Chapter 6. In section 7-16 on swimming pools, the storm water and sanitary sewer requirements of the St. Louis Metropolitan Sewer District are referred to.

Sec. 1-13. - Amendments to Code—Effect.

Any and all additions and amendments to this Code, when passed in such form as to indicate the intention of the board of aldermen to make the same a part hereof, shall be deemed to be incorporated in this Code so that reference to the "Municipal Code of the City of Crestwood, Missouri," shall be understood and intended to include such additions and amendments.

Sec. 1-14. - Same—Language.

- (a) Amendments to any of the provisions of this Code should be made by amending such provisions by specific reference to the section of this Code in substantially the following language: "That section _____ of the Municipal Code of the City of Crestwood, Missouri, is hereby amended to read as follows: _____ (set out new provisions in full)_____."
- (b) If a new section not heretofore existing in this Code is to be added, the following language may be used: "That the Municipal Code of the City of Crestwood, Missouri, is hereby amended by adding a section (or article, chapter or other designation as the case may be), to be numbered _____, which reads as follows: _____ (set out new provisions in full)_____."
- (c) In lieu of subsection (a) hereof, when the board of aldermen desires to enact an ordinance of a general and permanent nature embracing a subject not previously existing in the Code, which the board desires to incorporate into the Code, a provision in substantially the following language may be made part of such ordinance: "It is the intention of the board of aldermen, and it is hereby ordained, that the provisions of this ordinance shall become and be made a part of the Municipal Code of the City of Crestwood, Missouri, and the sections of this ordinance may be renumbered to accomplish such intention."
- (d) All sections, articles, chapters or other provisions of this Code desired to be repealed should be specifically repealed by section number, article number, chapter number or other number, as the case may be.

State Law reference— Enactment of ordinances, RSMo 79.110, 79.130.

Sec. 1-15. - Supplementation of Code.

- (a) By contract, supplements to this Code shall be prepared and printed whenever authorized or directed by the board of aldermen. A supplement to the Code shall include all substantive permanent and general parts of ordinances passed by the board or adopted by initiative and referendum during the period covered by the supplement and all changes made thereby in the Code. The pages of a supplement shall be so numbered that they will fit properly into the Code and will, where necessary,

replace pages which have become obsolete or partially obsolete, and the new pages shall be so prepared that, when they have been inserted, the Code will be current through the date of the adoption of the latest ordinance included in the supplement.

- (b) In the preparation of a supplement to this Code, all portions of the Code which have been repealed shall be excluded from the Code by the omission thereof from reprinted pages.
- (c) When preparing a supplement to this Code, the codifier (meaning the person, agency or organization authorized to prepare the supplement) may make formal, nonsubstantive changes in ordinances and parts of ordinances included in the supplement, insofar as it is necessary to do so to embody them into a unified Code. For example, the codifier may:
 - (1) Organize the ordinance material into appropriate subdivisions;
 - (2) Provide appropriate catchlines, headings and titles for sections and other subdivisions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;
 - (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
 - (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections _____ to _____" (inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code); and
 - (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted in the Code; but in no case shall the codifier make any change in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

Chapter 2 - ADMINISTRATION^[1]

Footnotes:

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Cross reference— *Elections, Ch. 8; fire prevention and protection, Ch. 9; municipal court, Ch. 15; parks and recreation, Ch. 17; personnel administration, Ch. 18; planning and development, Ch. 19; police department, Ch. 20; sewers, Ch. 21; solid waste, Ch. 23; streets and sidewalks, Ch. 24; taxation, Ch. 25; administration of flood damage control ordinance, § 10-21 et seq.; merchants, etc., taxes, board of review, § 13-226; traffic violations bureau, §§ 14-2, 15-8; sign commission, § 22-2; board of adjustment, § 26-361 et seq.; planning and zoning commission, § 26-381 et seq.*

State Law reference— *Fourth class cities, RSMo Ch. 79; provisions to all cities, RSMo 71.010 et seq.*

ARTICLE I. - IN GENERAL

Sec. 2-1. - Seal of city.

- (a) An official seal is hereby adopted for the city. The official seal shall be retained in the office of the city clerk/collector. It shall consist of a metallic disk, not more than two and one-half (2½) inches in diameter, with the words "City of Crestwood, Missouri," engraved in the border, and the coat of arms of the state engraved in the center portion of the disk.
- (b) The city clerk/collector shall affix the seal to, and countersign, all commissions and other official acts, certified copies and attestations, and to all other instruments when required or authorized by the mayor.

(Ord. No. 35, §§ 1, 2, 5-9-50; Ord. No. 639, § 1, 1-10-61; Code 1965, § 1.08)

State Law reference— Common seal of fourth-class city, RSMo 79.010.

Sec. 2-2. - City flag.

- (a) An official flag, the form, colors and dimensions of which are reflected in the sketch marked "Exhibit A" and attached to Ordinance No. 1496, and incorporated in this section as though more fully set out, is hereby adopted for the city.
- (b) Said flag shall be prominently displayed at the Crestwood City Government Center, and at all other times and places designated by the mayor or board of aldermen during the hours proper for the display of the national colors and if displayed with the national colors, at a point subservient to the national colors.
- (c) The adopted size of the official flag of the city shall be four (4) feet by six (6) feet, except that the mayor or the board of aldermen may designate replicas of other sizes to suit the particular need and form of display.

Sec. 2-2.1. - City logo.

- (a) The logo used by the city, a copy of which is attached hereto and made a part hereof, is hereby designated as the official logo of the city.
- (b) The city logo shall not be used on other than official documents and printings issued by the city or authorized by the city, or on documents relating to city matters issued by a city officer.
- (c) The city clerk shall register the city logo as a service mark with the secretary of state of the State of Missouri and take all necessary steps to maintain such registration.

(Ord. No. 3224, § 1, 6-23-92)

Sec. 2-3. - Fiscal year.

The city's fiscal year is hereby set to begin on the first day of January and to end on the last day of December, beginning January 1, 2005.

(Ord. No. 3813, § 1, 1-27-04)

Sec. 2-4. - Bonds for public works contracts.

- (a) *Contractors.* It is hereby made the duty of all officials, officers and agencies of the city in making contracts for public works of any kind to be performed for the city, to require every contractor for such work to execute a bond to the city, with good and sufficient sureties and in an amount to be approved by the board of aldermen or such other officer or agency as the board may direct, and such bond shall, among other conditions, provide for:
 - (1) Performance in accordance with the contract;
 - (2) Penalties, forfeitures or liquidated damages for delay in completing the work; and
 - (3) The payment for materials, lubricants, oil, gasoline, grain, hay, feed, coal and coke, repairs on machinery, groceries and foodstuffs, equipment and tools, consumed or used in connection with the construction of such work, and all insurance premiums, both for compensation and for all other kinds of insurance, on said work, and for all labor performed in such work, whether by subcontractor or otherwise.
- (b) *Future performance.* Performance bonds, with good and sufficient sureties shall be required of all contractors with the city for future delivery of goods, materials, equipment, supplies or for future rendering of service, in such amount as the board of aldermen shall determine, or as shall be determined by an officer or agency of the city authorized by the board to accept bond for the city.
- (c) *Advertisements for bids.* In all advertisements or requests for bids in which a bond is required under this section, that fact shall be stated in the advertisement or other request or notice for bids.

- (d) *Waiver of penalties.* The board of aldermen may waive the requirements for penalties, forfeitures or liquidated damages under subsection (a) unless such provision is required by the law of the state in a particular case.
- (e) *Forms.* The city clerk/collector shall supply forms for bonds under this section to the contractors, upon request.
- (f) *Waiver of bond.* Except in the case of a contract for public work, the board of aldermen may waive performance bonds on contracts involving payment by the city of one thousand dollars (\$1,000.00) or less.
- (g) *Individual sureties.* When a bond of five thousand dollars (\$5,000.00) or less is required, the board of aldermen, or other officer or agency of the city authorized to accept a bond for the city, may approve a bond with at least two (2) solvent individual sureties, provided, that either the principal or one (1) of the sureties on the bond shall be a resident of the county, and provided further, that if any of the principals or sureties are married persons the bond must also be signed by the spouses of such persons. If a bond is for the principal sum of one thousand dollars (\$1,000.00) or less, a bond with one (1) individual surety may be accepted, provided that in such case either the principal or the surety on the bond shall be a resident of the county, and provided further, that if either the principal or surety is a married person, the spouse of such person shall also be required to sign the bond. In any case where individual sureties are accepted, both the contractor and the sureties shall make a written statement under oath as to the extent of their assets, property and holdings and liabilities.

(Ord. No. 191, §§ 1—4, 7-11, 10-12-54; Code 1965, § 4.29; Ord. No. 1262, § 1, 5-11-71)

State Law reference— Bonds of officers and contractors for public works, RSMo Ch. 107.

Sec. 2-5. - Bonds regulated generally.

- (a) *Amount.* The principal amount of all bonds and the amount placed in escrow or in a deposit with the city as provided in this article, shall be sufficient to fully protect the city and all subcontractors, materialmen and mechanics. In the case of subdivision bonds, the amount shall be equal to the estimated cost of the subdivision improvements; in the case of performance bonds for public works and bonds of suppliers of material the amount shall be equal to the amount of the maximum amount of the bid which is the subject of the bond.
- (b) *Sureties.* Unless otherwise provided, all bonds must have corporate sureties unless the board of aldermen by resolution authorizes personal sureties on any bond.
- (c) *Approval by city official.* Subdivision bonds and other bonds required under the zoning regulations shall be approved and accepted for the city by the chairman of the planning and zoning commission. Bonds for public work shall be approved and accepted for the city by the director of public works. All bonds for supplying of materials not covered by a public works bond shall be approved and accepted for the city by the mayor. All bonds to the city not covered by the foregoing shall be approved and accepted by the mayor.
- (d) *Escrow deposit.* When any bond is required under the ordinances of the city or under the rules and regulations of any officer, board or commission authorized to require bonds, a deposit of cash with an approved escrow agent may be accepted in lieu of a bond. Funds in escrow must be held by a title company, bank or trust company, or corporate escrow agency having a place of business in the county, unless otherwise authorized by resolution of the board of aldermen.

(e)

Cash deposits. The person required to furnish a bond may, in lieu thereof, and in lieu of escrow, deposit the amount of money required as the principal amount of the bond with the city clerk/collector under an agreement setting out the terms and conditions under which the deposit is made, and the rights and liabilities of the parties.

- (f) *Approval by city counselor.* All bonds and escrow and cash deposit agreements shall be approved as to form by the city counselor. Approval of a bond or escrow agreement as herein provided shall constitute acceptance by the city and thereupon the bond shall be binding upon the principal and surety, and in the case of escrow agreements, upon the principal and escrow agent.

(Ord. No. 191, § 6, 10-12-54; Code 1965, § 4.30)

Cross reference— Subdivision regulations and zoning, Ch. 26.

Sec. 2-6. - Record classification and retention.

- (a) The records of the city shall be classified and retained in accordance with state law, and the latest edition of the Missouri Municipal Records Manual of the state records management and archives service, which is hereby incorporated in this section as if set out at length herein.

- (b) Destruction of such records shall be by any method approved by the city administrator.

(Code 1965, § 4.33; Ord. No. 1525, §§ 1, 2, 9-10-74; Ord. No. 3257, § 1, 5-25-93)

State Law reference— State and Local Records Law, RSMo 109.200 et seq.; destruction of records and nonrecord materials, RSMo 109.260.

Secs. 2-7—2-20. - Reserved.

ARTICLE II. - BOARD OF ALDERMEN^[2]

Footnotes:

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State Law reference— Board of aldermen and mayor, RSMo 79.070 et seq.; meetings of governmental bodies, RSMo Ch. 610.

Sec. 2-21. - Qualifications.

No person shall be elected or appointed to the board of aldermen who is not at least twenty-one (21) years of age, a citizen of the United States, an inhabitant and a qualified voter of the city for at least one (1) year and a resident of the respective ward for at least ninety (90) days. Candidates must meet all qualifications as of the date of filing for election or on the date of appointment to office. No person may be elected or appointed to the board of aldermen who is either delinquent in the payment of any Crestwood taxes or fees, or a convicted felon.

(Ord. No. 10, § 1, 8-23-49; Code 1965, § 3.01; Ord. No. 1759, § 1, 10-9-77; Ord. No. 4411, § 1, 4-23-13)

State Law reference— Similar provisions, RSMo 79.070.

Sec. 2-22. - Acting president.

The board of aldermen shall elect one (1) of its own number who shall be styled *acting president of the board of aldermen* and who shall serve for a term of one (1) year. When presiding at meetings of the board of aldermen in the absence of the mayor, the acting president shall have the voting rights of a member of the board of aldermen. The acting president shall not have the voting rights of the mayor.

(Ord. No. 3178, § 1, 1-22-91)

Sec. 2-23. - Meetings generally.

- (a) The board of aldermen shall hold regular meetings on the second and fourth Tuesdays of each month, at such place as may be designated by resolution of the board from time to time.
- (b) Adjourned meetings may be held for the purpose of completing unfinished business of any meeting, at such times as may be determined by the board.
- (c) Members of the board shall attend all meetings, unless leave of absence is granted or a valid excuse therefor exists.
- (d) Should any regular or special meeting of the board be scheduled at a time when unusually inclement weather, unforeseen exigencies or emergency conditions would render attendance at such meeting hazardous or a hardship to those essential to be in attendance or to the members of the public, then such meeting may be canceled or rescheduled by the mayor, or in his absence by the acting president of the board. Should such regular or special meeting be rescheduled as provided for above, then the notice provision, as provided for in section 2-24, shall be complied with for the rescheduled meeting.
- (e) An agenda for all regular meetings of the board of aldermen, containing a reference to subjects to be considered at any regular meeting of the board, shall be prepared by the city administrator and delivered to each member of the board and the mayor at least seventy-two (72) hours prior to the commencement of any such regular meeting. No action shall be taken on any subjects not set forth in said agenda, except that subjects may be considered and acted upon with three-fourths ($\frac{3}{4}$) consent of the board.

(Ord. No. 10, § 2, 8-23-49; Code 1965, § 3.02; Ord. No. 1485, §§ 1, 2, 3-26-74; Ord. No. 1859, § 1, 5-11-82)

Sec. 2-24. - Special meetings.

- (a) At any regular or special meeting where a quorum is present, the mayor may call a special meeting, and unless he announces a specific purpose for the meeting any business may be transacted, including the introduction, reading and passing of ordinances.
- (b) The mayor, at any time, by telephone call or letters deposited in the mail at least three (3) days before the meeting, may call a special meeting of the board of aldermen for any purpose, including general purposes and the introduction, reading and adoption of ordinances, and in such case a quorum shall consist of three-fourths ($\frac{3}{4}$) of the board of aldermen, notwithstanding the provisions of section 2-26.
- (c) Special meetings may be called by written notice signed by three (3) aldermen, mailed at least three (3) days before the meeting, and in such case a quorum shall consist of three-fourths ($\frac{3}{4}$) of the members of the board, notwithstanding the provisions of section 2-26.

(Code 1965, § 3.03)

Sec. 2-25. - Neglect of duties.

- (a) *Failure to attend meetings.* In the event that a member of the board of aldermen misses two (2) consecutive regular meetings of the board without a valid excuse or leave of absence, the sufficiency of the excuse to be passed upon by the board, he may be removed from office by resolution of the board at any regular meeting of the board, whether or not the member in question is present, such resolution to be voted upon favorably by at least two-thirds of all of the members elected to the board.
- (b) *Failure to perform duties.* In the event any member of the board is consistently delinquent in his duties and fails to perform duties assigned to him by the mayor and board of aldermen in the regular course of business, charges to that effect may be filed against him by the mayor or any member of

the board. The member in question shall be notified to appear at the next regular meeting of the board where he may be heard in his own defense. If the charges are provided to the satisfaction of at least two-thirds (2/3) of the members elected to the board it may, by resolution voted upon favorably by at least two-thirds (2/3) of all the members of the board, remove said member.

- (c) *Filling vacancy.* Vacancies occurring under this section shall be filled in the manner as provided by law as in the case of any other vacancy.

(Ord. No. 17, §§ 1—3, 10-25-49; Code 1965, § 3.04)

Sec. 2-26. - Quorum.

A quorum shall constitute one (1) more than half of the total number of members of the board of aldermen. If a quorum fails to attend any meeting it shall stand adjourned until the next regular or special meeting.

(Ord. No. 10, § 4, 8-23-49; Code 1965, § 3.05)

Sec. 2-27. - Journal.

- (a) The board of aldermen shall keep a journal of its proceedings, and the "ayes" and "nays" shall be entered on any question at the request of any two (2) members, provided however, that in the note of final passage of any ordinance the "ayes" and "nays" must in all cases be entered in the journal, showing the vote of each alderman in attendance.
- (b) All minutes of the regular and special meetings of the board of aldermen shall be included in the journal. Minutes of all meetings of the board shall be read and approved or corrected at the next regular or special meeting of the board.

(Ord. No. 10, § 5, 8-23-49; Ord. No. 38, § 5, 5-11-50; Code 1965, § 3.06)

State Law reference—Journal, RSMo 79.150.

Sec. 2-28. - Ways and means committee.

A standing committee known as the ways and means committee shall consist of the mayor and two (2) members of the board of aldermen appointed by the mayor with the approval of the board of aldermen, as soon as practical after each mayoral election. The mayor shall be the chairman of the ways and means committee.

(Ord. No. 10, § 6, 8-23-49; Code 1965, § 3.07; Ord. No. 1744, § 1, 6-26-79)

Sec. 2-29. - Adoption of ordinances.

- (a) *Introduction; numbering.* Bills may be introduced by any member of the board of aldermen and shall be numbered by the city clerk in numerical order, starting over with No. 1 after each general or annual election. Ordinances shall be numbered consecutively and in numerical order when approved or passed over the mayor's veto or when they become effective by failure of the mayor to approve or veto.
- (b) *Reading bills.* All bills shall be read, by title or in full, two (2) times before passage. Each bill may be read by title only, provided that copies of the proposed ordinance are made available for public inspection prior to the time the bill is under consideration by the board of aldermen and copies are available for distribution at the meeting at which the bill is read. A bill shall be read in full if so

directed upon the affirmative vote of a majority of the members present. A bill may be read the first time by the alderman introducing it, or by the clerk at the request of the alderman introducing it, and provided the introduction of bills is then in order, without a vote of the members.

- (c) *Second reading; final passage.* No bill shall be given a second reading at the same meeting at which it is introduced, without approval of a motion for such reading by a favorable vote of all of the members present. After a bill has been read a second time, it may be acted upon for final passage at that meeting or at any subsequent meeting.
- (d) *Action by mayor.* When a bill is passed by the board of aldermen with the required vote for passage, it shall be signed by the mayor and show the date of passage, and the mayor's signature shall be attested by the city clerk and the seal affixed; but this first signing shall not constitute approval of the bill by the mayor. To approve a bill the mayor shall sign it a second time.

(Ord. No. 10, § 8, 8-23-49; Code 1965, § 3.08; Ord. No. 38, §§ 1—3, 5-11-50; Ord. No. 3081, § 1, 9-13-88; Ord. No. 3126, § 1, 9-12-89)

Sec. 2-30. - Appropriations.

No ordinance appropriating money shall be passed unless there are funds currently budgeted sufficient to cover the appropriation or, if unbudgeted, there are unappropriated funds available as certified by the treasurer.

Sec. 2-31. - Appeal from officers' decisions.

- (a) *Method.* Unless otherwise specifically provided in this Code, any person may appeal to the board of aldermen from any ruling or decision of any officer, board, bureau, department, division or other agency of the city as provided in this section.
- (b) *Request for hearing.* A written request for a hearing before the board shall be filed with the city clerk/collector within thirty (30) days from the date of the ruling or decision complained of, unless further time is granted by order of the board of aldermen.
- (c) *Hearing.* The board of aldermen shall hear the entire matter in a summary manner and may affirm, overrule or modify the ruling or decision complained of to conform to law and the ordinances of the city and in the interests of justice to the parties concerned.
- (d) *Exception.* This section shall not apply to decisions or judgments and rulings of the municipal judge.

(Ord. No. 43, §§ 1—5, 6-27-50; Ord. No. 138, § 1, 5-19-53; Code 1965, § 4.25)

Secs. 2-32—2-45. - Reserved.

ARTICLE III. - CITY OFFICERS^[3]

Footnotes:

— (3) —

State Law reference— *Appointive officers, RSMo 79.230; officers' qualifications, RSMo 79.250; officers' oath, RSMo 79.260; officers' bonds, RSMo Ch. 107.*

Sec. 2-46. - Generally.

- (a) Officers of the city shall consist of the following:
 - (1) All persons holding an elective office, whether appointed or elected; and
 - (2) All persons holding any office which is required to be filled by appointment by the mayor or the board of aldermen under commission and which office is not subject to be filled at any city election.

- (b) Any person holding an office in an ex officio capacity shall be deemed an officer in a single capacity. All officers must take an oath of office and shall be commissioned by the mayor, whether appointed by him or by the board of aldermen.

(Ord. No. 216, § 1, 3-22-55; Ord. No. 710, § 1, 4-17-62; Code 1965, § 4.01)

Sec. 2-47. - Term of office.

Unless removed from office or the office is abolished, all appointive and elective city officials shall hold office until their successors are duly appointed or elected, as may be provided by law or ordinance, and until such successor has duly qualified for office. If any appointive or elective office is abolished, the term of the official holding such office on the date fixed by law for abolishment thereof, shall terminate.

(Ord. No. 68, §§ 1, 2, 2-27-51; Code 1965, § 4.02)

Sec. 2-48. - Tie vote for elective office.

If two (2) or more persons receive an equal number of votes for election to a city office, and a higher number of votes than any other candidate for election to the same office, the officer with whom such candidates filed their declarations of candidacy shall, immediately after the results of the election have been certified, issue a proclamation stating the fact and ordering a special election to determine which candidate is elected to the office. The proclamation shall set the date of the election and shall be sent by the officer to each election authority responsible for conducting the special election. In his proclamation, the officer shall specify the name of each candidate for the office to be voted on at the election, and the special election shall be conducted and the votes counted as in other elections.

(Ord. No. 68, § 3, 2-27-51; Code 1965, § 4.03)

Cross reference— Elections, Ch. 8.

State Law reference— Tie in election of aldermen, RSMo 79.070; tie vote in general election, RSMo 115.517.

Sec. 2-49. - Oath of office; salary termination of predecessor.

- (a) Officers of the city elected at any regular or special election may take the oath of office before any person authorized to administer oaths at any time after completion of the official count.
- (b) In the event a newly elected official takes the oath of office and qualifies for the office to which he was elected within ten (10) days after completion of the final count of ballots at such election, the officer or officers whom he succeeded shall not be entitled to salary or compensation for any period after March 31st preceding the date of the election, if a regular election, or for any period after the date of the election, if a special election.
- (c) In the event a newly elected official fails to take the oath of office and qualify within ten (10) days after the official count is completed, the official whom he is to succeed shall be entitled to compensation until his successor does qualify, and if compensation is based on a weekly, monthly or other periodic basis, he shall be paid on a pro rata basis until his successor qualifies.

(Ord. No. 108, 8-12-52; Code 1965, § 4.04)

Sec. 2-50. - Official bonds.

- (a) *Amount.* Each of the following officers of the city shall enter into an official bond in the respective amount herein designated, in favor of the city, conditioned upon the faithful performance of his duties as an officer of the city and that he shall account for all funds and other property which may

come into his possession and custody as such officer:

Finance officer/treasurer\$50,000.00

City clerk/collector50,000.00

All other officers and employees as may be directed by the board of aldermen.

- (b) *Date of filing.* In the case of elected officials, bond shall be furnished within fifteen (15) days after the official count of the election is returned to the board of aldermen. In the case of the acting president of the board of aldermen, city clerk/collector, director of public works and police officers, their bonds shall be filed within fifteen (15) days after the appointments are made or approved by the board of aldermen.
- (c) *Payment of premiums.* The city shall pay the premium on the bonds of the city officers.
- (d) *Approval.* All bonds must be filed with and approved by the board of aldermen, and such bonds shall remain in force during the entire period that the official in question holds his office.
- (e) *Failure to furnish bond.* No officer shall enter upon the duties of his office until he has furnished bond as herein required, and in the event of the failure of any official to furnish bond his office shall be forfeited and his successor may be chosen as provided by law and this Code.

(Ord. No. 175, §§ 1—3, 5, 7, 5-11-74; Code 1965, § 4.05; Ord. No. 1556, 2-11-75)

State Law reference— Officers' bonds, RSMo 79.260.

Sec. 2-51. - Vacancies in certain offices, how filled.

If a vacancy occurs in any elective office, the mayor or the person exercising the duties of the mayor, shall cause a special meeting of the board of aldermen to convene where a successor to the vacant office shall be selected. The successor shall serve until the next regular election.

(Ord. No. 2080, § 1, 11-11-86)

Cross reference— Elections, Ch. 8.

State Law reference— Special elections to fill vacancies, RSMo 79.280.

Sec. 2-52. - Removal of officers.

- (a) *Elective officers.* The mayor may, with the consent of a majority of all the members elected to the board of aldermen, remove from office, for cause shown, any elective officer of the city, such officer being first given opportunity, together with his witnesses, to be heard before the board of aldermen sitting as a court of impeachment. Any elective officer, including the mayor, may in like manner, for cause shown, be removed from office by a two-thirds (2/3) vote of all the members elected to the board of aldermen, independently of the mayor's approval or recommendation.
- (b) *Notice of hearing.* Whether the proceedings for removal are instituted by the mayor or the board of aldermen, the official sought to be removed shall be notified in writing, delivered or mailed to him at his last known address, at least ten (10) days before the date set for hearing on the subject of his removal, such notice to specify the charges against him.
- (c) *Counsel; continuances.* The elective officer against whom the proceedings are brought may be represented by counsel and shall be entitled to one (1) continuance of not more than seven (7) days, and the city or prosecution shall likewise be entitled to one (1) continuance of not more than seven (7) days.

- (d) *Cause for removal.* Cause for removal of office shall consist of gross negligence of duty, failure to attend meetings without excuse, offense in office, unbecoming or scandalous conduct or demeanor, misfeasance of duties in office and such other conduct as may make the person to be removed unfit to continue to enjoy the honors, emoluments and dignities of his office.
- (e) *Appointive officers.* Appointive officers may be removed by the mayor at will and without cause with the consent of a majority of all the members elected to the board of aldermen. Appointive officers may be removed at will and without cause by a two-thirds (2/3) vote of all the members elected to the board of aldermen independently of the mayor's approval or recommendation.
- (f) *Suspension during proceedings.* Any elective or appointive officer against whom proceedings are brought hereunder may be suspended from office pending final determination of the matter by a majority vote of the board of aldermen. If an officer, either elective or appointive, is removed from office under this chapter, he shall not continue to hold office during the review of the proceedings in any court, but shall be automatically suspended from office during the pendency of the cause in court.

(Ord. No. 30, §§ I, III—XI, 2-14-50; Code 1965, § 4.17)

State Law reference— Removal of officers, RSMo 79.240.

Sec. 2-53. - City administrator.

- (a) *Creation of office.* The office of city administrator is hereby created.
- (b) *Appointment.* The city administrator shall be a person appointed at the recommendation of the mayor with the consent of a majority vote of the board of aldermen. The appointment may be for an indefinite term of office. He shall be at least twenty-one (21) years of age, a graduate of an accredited university or college, majoring in public, business or municipal administration, or shall have the equivalent qualifications and experience in financial and/or administrative fields. The city administrator shall be a resident of the city while serving as city administrator unless such requirement is waived at the request of the mayor and approved by the board of aldermen.
- (c) *Oath of office.* Before entering upon the duties of this office, the city administrator shall take and subscribe to an oath or affirmation before the city clerk/collector or some court of record in the county, that he possesses all the qualifications prescribed for his office by law, that he will support the constitutions of the United States and the state, the provisions of all laws of the state affecting cities of this class and the ordinances of the city, and that he will faithfully demean himself while in office.
- (d) *Bond.* The city administrator, before entering upon the duties of his office, shall file with the city a bond conditioned upon faithful and honest performance of his duties and the rendering of full and proper accounts to the city for funds and property that shall come into his possession or control. The cost of said bond shall be paid by the city; however, should the city administrator be covered by a blanket bond to the same extent, an individual bond shall not be required.
- (e) *Compensation.* The city administrator shall receive as compensation for the performance of the duties of his office an amount as set out by separate ordinance.
- (f) *Removal.* The city administrator may be removed by the mayor at will and without cause with the consent of a majority of all the members elected to the board of aldermen; or may be removed at will and without cause by a two-thirds (2/3) vote of all the members elected to the board of aldermen independently of the mayor's approval or recommendation. If requested, the mayor and board of aldermen shall grant a city administrator a public hearing within thirty (30) days following removal. During the interim, the mayor with the approval of a majority of all aldermen, or by three-fourths (¾)

vote of all aldermen, without the approval of the mayor, may suspend the city administrator and if, after a hearing, removal becomes final shall pay his salary for one (1) month following the final removal date; provided however, if the city administrator shall be removed for acts of dishonesty or of moral turpitude, such salary shall not apply unless at the time of removal the city administrator shall have been employed as city administrator for twenty-four (24) consecutive months. The city administrator shall be prohibited from participation in any political activities related to the city's elections.

- (g) *Office full-time position.* The office of city administrator shall be a full-time position, and the city administrator shall perform his duties during the hours set by the mayor or the board of aldermen and shall not hold outside employment for remuneration except with the consent of the mayor and board of aldermen.
- (h) *Ex officio deputy city clerk/collector.* The city administrator shall be ex officio deputy city clerk/collector and shall have and perform all of the powers, rights and duties of the city clerk/collector in the event of his absence, illness or disability and shall act for and on his behalf, but shall receive no additional compensation therefor.
- (i) *Powers; duties.* The city administrator shall be the chief administrative assistant to the mayor. At all times the action of the city administrator shall be subject to supervision, control and direction by the mayor, and the administrator shall account to the mayor and board of aldermen for any actions taken, when requested to do so. He may head one (1) or more departments and shall be responsible to the mayor and board of aldermen for proper administration and management of the government business, officers and employees of the city. To that end, he shall have the power and shall be required to:
 - (1) Qualify and recommend to the mayor for appointment, with the consent and approval of the majority of the members of the board of alderman, the following department heads: Police chief, fire chief, director of public works and director of parks and recreation, who shall hold office until their successors are recommended, qualified and appointed. He shall have the authority to dismiss, suspend and discipline department heads and set aside any action taken by a department head and may supersede him in the functions of his office;
 - (2) Appoint, dismiss, suspend and discipline all employees subject to restrictions of the legally constituted civil service system of the city under Chapter 18, Personnel Administration;
 - (3) Prepare or assist in the preparation of the proposed budget annually and submit it to the ways and means committee, together with a message describing important features, the budget to be supported by appropriate schedules and analysis;
 - (4) Keep the mayor and board of aldermen advised of the financial condition and future needs of the city, and make such recommendations as he may deem desirable;
 - (5) Recommend to the mayor and board of aldermen such rules and regulations as are necessary or expedient for the conduct of administrative departments or agencies of the city;
 - (6) Coordinate the activities of all departments and administer the rules and policies of department heads;
 - (7) Meet with standing committees and special committees appointed by the mayor on matters concerning general and special administrative problems, who shall consult with and render service to the city administrator on such matters;
 - (8)

Supervise the purchase of all materials, supplies and equipment for which funds are provided in the budget. He shall have the power to purchase materials, supplies, services and equipment in any amount up to and including two thousand dollars (\$2,000.00);

- (9) Supervise the preparation of all bid specifications for services and equipment; receive sealed bids for presentation to the mayor and board of aldermen;
 - (10) Attend all meetings of the board of aldermen and have the right to appear before and address the board of aldermen at any meeting;
 - (11) Assemble a monthly operational report from all departments for presentation to the mayor and board of aldermen; and
 - (12) He may attend meetings of all boards and commissions of the city and render such assistance and information to them as may be required of him.
- (j) *Interference with recommendations or removals.* The mayor and board of aldermen shall not direct or request the recommendation of, or removal of, any department head or employee of the city. The qualifying of persons to be recommended is the responsibility of the city administrator. The mayor and the board of aldermen, and its members, shall not reprimand or give orders to any subordinates of the city administrator, either publicly or privately, but shall refer all matters of apprehension concerning city personnel to the city administrator for disposition.

(Ord. No. 647, §§ 1—9, 2-21-61; Code 1965, § 4.06; Ord. No. 1378, §§ 1—9, 9-12-72; Ord. No. 1387, § 1, 9-26-72; Ord. No. 1583, § 1, 12-9-75; Ord. No. 1619, § 1, 7-27-76; Ord. No. 1636, § 1, 11-9-76; Ord. No. 1685, § 1, 10-11-77; Ord. No. 3175, § 1, 11-11-90; Ord. No. 3773, § 1, 3-11-03; Ord. No. 4035, § 1, 2-28-07; Ord. No. 4139, § 1, 8-12-08)

State Law reference— City administrator, RSMo 77.042 et seq.; oath and bond of officers, RSMo 79.260; removal of officers, RSMo 79.240.

Sec. 2-54. - City attorney.

- (a) *Office created.* The office of city attorney is hereby created and shall be filled by a licensed and practicing attorney at law in the state.
- (b) *Appointment.* The city attorney shall be appointed by the mayor with the advice and approval of the board of aldermen, to serve for a term commensurate with that of the mayor and until his successor is appointed and qualified.
- (c) *Duties.* The city attorney shall attend all regular and special meetings of the board of aldermen, shall attend the meetings of other boards and commissions of the city upon the request of the presiding officer thereof; shall advise the city officials, including the permanent boards and commissions, on legal questions; draft bills for introduction into the board of aldermen upon request of any member or of the mayor or other official; prepare, examine and approve all deeds, releases, easements, contracts, bonds and other legal documents relating to city affairs and shall generally serve as the consultant, legal adviser and representative of the city and its officials and agencies.
- (d) *Court duties.* The city attorney shall prosecute all cases in the municipal court and, on appeal, to the higher courts. He shall have responsibility for the handling of all litigation in the courts of this state and the United States in which the city has any interest and before all boards, commissions, offices and bureaus of this state and the United States in which the city has any interest.

(Code 1965, § 4.065; Ord. No. 932, § 1, 5-10-66; Ord. No. 1326, § 1, 4-11-72; Ord. No. 1505, § 1, 6-11-74)

Cross reference— Cross reference—Municipal court, Ch. 15.

State Law reference— City attorney, RSMo 79.230.

Sec. 2-55. - Assistant city attorney.

- (a) *Office created.* The office of assistant city attorney is hereby created and is to be filled by a licensed and practicing attorney at law in the state.
- (b) *Appointment.* The assistant city attorney shall be appointed by the mayor with the advice and approval of the board of aldermen to serve for a term commensurate with that of the mayor and until his successor is appointed and qualified.
- (c) *Duties.* The assistant city attorney shall perform any and all of the duties set out for the city attorney when authorized by the city attorney or if the city attorney is absent or temporarily unable to perform any of this duties. The assistant city attorney shall have full power and authority to carry out the duties of the city attorney in the absence or temporary disability of the city attorney to act.
- (d) *Other assistants.* The city attorney may, with the approval of the mayor and board of aldermen, appoint other assistants in addition to the assistant city attorney to aid him in the performance of his duties, and they shall be compensated in such manner as may be provided by ordinance of the city.

(Code 1965, § 4.066; Ord. No. 1326, § II, 4-11-72; Ord. No. 1505, § 2, 6-11-74)

Sec. 2-56. - Documents provided to attorneys.

The city attorney and assistant city attorney shall receive from the city clerk/collector, whose duty it shall be to furnish them with same, all copies of ordinances, rules and regulations adopted by the board of aldermen or by any board or commission of the city, and they shall also receive copies of all minutes of the board of aldermen, planning and zoning commission, police and fire boards and other boards and commissions which keep minutes.

(Code 1965, § 4.075; Ord. No. 1326, § III, 4-11-72; Ord. No. 1505, § 3, 6-11-74)

Sec. 2-57. - City clerk/collector—generally.

- (a) The duties of city collector shall be performed by the city clerk, who shall be designated city clerk/collector and shall be appointed as provided in section 2-53(i)(2) of this Code.
- (b) The city clerk/collector shall perform all of the duties required of him and all of the powers provided by law for clerks and collectors of fourth-class cities and by ordinances of the city, and shall have all the powers and perform all of the duties required by law and ordinance as license collector.

(Ord. No. 706, §§ 1—3, 4-17-62; Ord. No. 707, §§ 1, 3, 4, 4-17-62; Ord. No. 709, § 1, 4-17-62; Code 1965, § 4.08; Ord. No. 948, § 1, 6-28-66; Ord. No. 1396, § 1, 11-14-72)

Cross reference— Licenses and business regulations, Ch. 13; taxation, Ch. 25.

State Law reference— Appointive officers, RSMo 79.230; annual report, RSMo 79.310; special tax bills, RSMo 88.818; delinquent lists, RSMo 94.320; monthly report, RSMo 94.330; monthly settlement, RSMo 95.360.

Sec. 2-58. - Same—As license collector.

- (a) *Duties.* As license collector, the city clerk/collector shall collect all road tax refunds and all license taxes and fees under this Code pertaining to the licensing and taxing of utilities, motor fuel sales, intoxicating liquor and nonintoxicating beer sales, merchants and manufacturers, dogs, automobiles, coin-operated machines, miscellaneous businesses, occupations and trades and all other subjects. He shall have such other powers and shall perform such other duties as may be delegated to him by the board of aldermen or by ordinance.

- (b) *Disposition of collections.* The city clerk/collector shall by the fifteenth day of each month account to and pay over to the city director of finance all collections made by him for the city, and shall account for all receipts and disbursements made and authorized by ordinance. His accounting shall include all necessary reports and explanatory information. A copy of the account and report shall be laid before the board of aldermen at its next regular meeting
- (c) *Tax inspections.* The city clerk/collector shall have such power and authority to examine and inspect the books and records of all businesses and persons subject to license taxes in the city, whether such books and records are kept in the city or elsewhere, in order to determine all information necessary for the proper, full and complete assessment and collection of license taxes and fees, and shall have the power to subpoena witnesses and require the production of books, papers and records required for such purposes.
- (d) *Permission to inspect taxpayers' books.* No person shall refuse to permit the examination and inspection of books and records, or conceal any information reasonably required for the proper assessment and collection of license fees and taxes, or fail to produce books, papers and records, or fail to appear in response to the city clerk/collector's subpoena as herein authorized.
- (e) *Tax collection.* The city clerk/collector shall render such assistance as is necessary to any agency collecting real and personal property taxes for the city to insure that all property subject to taxation by the city is entered on the tax rolls and that the certified abstract of the county clerk properly reflects all property within the city subject to taxation with the correct assessed valuation thereof as agreed upon by the board of equalization.
- (f) *Reports.* The city clerk/collector shall make an annual report on March first of each year to the board of aldermen, showing in a general way the amount of license fees and taxes assessed and collected, and full details as to delinquent amounts, and shall make such recommendations as may appear advisable or necessary with respect to the assessment and collection of license fees and taxes.

(Ord. No. 514, §§ 3, 5, 6, 8—11, 4-28-59; Code 1965, § 4.09)

Sec. 2-59. - Reserved.

Editor's note— Ord. No. 4035, § 2, adopted Feb. 28, 2007, deleted § 2-59, which pertained to director of finance and derived from Ord. No. 707, §§ 2, 5, adopted Apr. 17, 1962; Code 1965, § 4.085; Ord. No. 1397, § 1, adopted Nov. 21, 1972; Ord. No. 1512, § 1, adopted June 25, 1974; Ord. No. 3773, § 2, adopted Mar. 11, 2003.

Sec. 2-60. - Department of public works.

- (a) *Established; director.* There is hereby established a department of public works. The head of the department shall be the director of public works and if filled by a professional engineer may also be known as the city engineer.
- (b) *Duties.* The director of public works shall supervise all public works of the city and perform such other duties as may be directed by the city administrator.
- (c) *Appointment.* The director of public works shall be appointed as provided in section 2-53(i)(2).

(Ord. No. 42, §§ 1—3, 11, 5-23-50; Ord. No. 867, § 1, 2-9-65; Code 1965, § 4.10; Ord. No. 1363, § 1, 7-11-72)

Cross reference— Streets and sidewalks, Ch. 24.

Sec. 2-60.1. - Engineering review of certain plans.

The director of public works may, in his discretion, obtain engineering review of grading, drainage and sewer plans from an independent consulting engineering firm, in lieu of review by the St. Louis County Department of Highways and Traffic, provided that all fees incurred for such engineering review shall be paid by the permittee or applicant.

Editor's note— Ordinance No. 3055, adopted Mar. 8, 1988, did not specifically amend this Code; hence, inclusion of § 1 as § 2-60.1 was at the discretion of the editor.

Cross reference— Grading and excavating, § 7-81 et seq.; flood damage control, Ch. 10; sewers, Ch. 21.

Sec. 2-61. - Public works board.

- (a) *Composition.* The public works board shall include one (1) aldermanic representative to be appointed by the mayor from the members of the board of aldermen. In addition, seven (7) citizens with an interest in public works, one (1) from each ward and three (3) from the public at large, shall be appointed by the mayor with the approval of the board of aldermen. The mayor shall also appoint a chairperson, with the approval of the board of aldermen, from one (1) of the citizen members. All citizen members serve terms that run concurrently with the mayoral term in effect at the time of appointment or until their successors are appointed.
- (b) *Meetings.* The public works board shall hold regular meetings at a minimum on a quarterly basis, at a time scheduled by the public works board. Additional meetings may be scheduled at any time by the chairman or three (3) members of the public works board provided that there is one (1) week's notice provided to the public and all members of the public works board, including the aldermanic representative and the director of public works. Three (3) members present at a meeting in addition to the aldermanic representative shall constitute a quorum.
- (c) *Chairman.* The chairman shall be the presiding officer of all meetings of the public works board and shall have voice and vote the same as all other public works board members. At the beginning of each term, said term to run concurrently with that of the mayor, the public works board shall organize by electing a vice-chairman and a secretary from their number. In the absence of the chairman and vice-chairman, the secretary shall serve as acting chairman.
- (d) *Attendance.* Public work board members absent from three (3) consecutive meetings, whether regular or special, shall be subject to replacement by the mayor and board of aldermen by a majority vote.
- (e) *Aldermanic representative.* The aldermanic representative shall be present at all scheduled meetings of the public works board and shall act as liaison between the board of aldermen and the public works board. Participation in all discussions is encouraged, but he shall not have a vote. The mayor may act as a substitute or designate a substitute from the board of aldermen or city administration if the aldermanic representative is unable to attend a meeting.
- (f) *Vacancies.* Vacancies from the public works board shall be reported to the mayor and filled in like manner as the original appointment with each replacement appointed from the same ward as the citizen being replaced to serve the unexpired term.
- (g) *Director of public works.* The director of public works shall be an ex officio member of the public works board acting in an advisory relationship and shall attend all public works board meetings. If the director of public works is unable to attend any such meeting, a representative shall be designated to attend by the director of public works.
- (h) *Secretary.* It shall be the duty of the secretary to take the minutes of the public works board meetings. A set of minutes of meetings shall be provided to the mayor and board of aldermen on a regular basis.

- (i) *Function.* The public works board shall provide advice and recommendations to the mayor, board of aldermen and director of public works on policy matters relating to the overall public works functions, including matters relating to storm water situations. Policy matters shall be defined to include budgeting, capital improvement programming, planning, public relations, city-wide public works programs and any other matters that may be assigned by the mayor and board of alderman.

(Code 1965, § 9.01; Ord. No. 1243, § 1, 12-22-70; Ord. No. 1360, § 1, 6-27-72; Ord. No. 1376, § 1, 9-5-72; Ord. No. 1686, § 1, 10-25-77; Ord. No. 3301, § 1, 4-12-94; Ord. No. 3731, §§ 2, 3, 5-28-02)

State Law reference— Governmental bodies and records, RSMo Ch. 610.

Sec. 2-62. - Economic development commission.

- (a) *Creation.* There is hereby created an Economic Development Commission (EDC) of the City of Crestwood for the purpose of developing and implementing strategies in order to achieve the city's economic goals.
- (b) *Duties and responsibilities.* The EDC shall provide a forum for building consensus on the economic issues facing Crestwood and the means for addressing them; facilitate development of the city's vision as to the type of local economy the city needs, desires and can support; formulate, develop and implement economic development strategies for the city to achieve its economic goals; work with local, state, regional and federal organizations that can assist with the implementation of the city's economic development strategies; advise and make recommendations to the mayor, board of aldermen and the city's economic development specialist on matters relating to the city's economic goals and strategies; and perform such other duties as may be assigned by the mayor and board of aldermen from time to time.
- (c) *Composition.* The EDC shall include one (1) aldermanic representative to be appointed by the mayor from among the members of the board of aldermen. In addition, the EDC will consist of seven (7) members appointed by the mayor with the approval of the board of aldermen. Members shall be residents of the City of Crestwood or owners, managers or employees of Crestwood businesses or owners of real property located in the city. The initial members of the EDC shall be appointed for the following terms; two (2) members one-year terms; two (2) members two-year terms; and three (3) members three-year terms. Thereafter, all appointments for expired terms will be for three (3) years. In addition to the foregoing standing members, the mayor, with the approval of a majority of the board of aldermen, may appoint ex officio members to this commission. Ex officio members shall be non-voting members and shall serve at the will of the mayor.
- (d) *Meetings.* The EDC shall hold regular meetings at a minimum on a quarterly basis, at a time scheduled by the city's economic development specialist. Additional meetings may be scheduled at any time by the chairperson or three (3) members of the EDC provided that there is at least one (1) week's notice to the public and all members of the EDC. Four (4) members present at a meeting shall constitute a quorum. Meetings shall be recorded in accordance with the city's sunshine law policy.
- (e) *Report to board of aldermen.* The chairperson of the EDC (or his/her designee) shall make a report to the board of aldermen at least one (1) time a year at a regularly scheduled board of aldermen meeting.
- (f) *Chairperson.* The chairperson shall be appointed by the mayor from among the members of the EDC and shall preside over all meetings. In the chairperson's absence, the members in attendance shall select someone from their number to preside over the meeting.

(g)

Aldermanic representative. The aldermanic representative shall attend all meetings of the EDC and shall act as liaison between the board of aldermen and the EDC. The aldermanic representative shall not have a vote. The mayor or another alderman may act as a substitute if the aldermanic representative is unable to attend a meeting.

- (h) *Vacancies.* Vacancies shall be filled in the same manner as an original appointment with the replacement to serve the unexpired term.
- (i) *Economic development specialist.* The economic development specialist shall be an ex officio member of the EDC acting in an advisory relationship and shall attend all meetings. If unable to attend a meeting, the economic development specialist shall designate a representative to attend in his/her place. Minutes of all meetings shall be taken by the economic development specialist and provided to the board of aldermen on a regular basis.

(Ord. No. 3875, § 1, 11-23-04; Ord. No. 3916, § 1, 7-12-05)

Sec. 2-63. - Public relations liaison officer.

- (a) The board of aldermen has found and determined that it is necessary to have a public relations liaison officer for the purposes of coordinating public relations of the city with the public relations counsel.
- (b) The mayor, with the consent of the board of aldermen, shall appoint one (1) citizen of the city as public relations liaison officer for the city, whose term shall be concurrent with that of the mayor.
- (c) The duties of said public relations liaison officer shall be as follows, to wit:
 - (1) To counsel with the mayor, members of the board of aldermen, department heads, committee and board chairmen and with citizen representatives of service organizations in the city to determine news developments of a civic nature occurring in the city.
 - (2) The public relations liaison officer shall coordinate his or her activities with that to the public relations counsel.
 - (3) The public relations liaison officer shall undertake additional public relations projects as assigned by the mayor.

(Ord. No. 1335, §§ 1—3, 5-9-72)

Sec. 2-64. - Office of civil preparedness.

- (a) *Organization.* There is hereby created a local municipal organization for the preparation and the carrying out of all the emergency functions, other than the functions for which the military forces are primarily responsible, to minimize and repair injury and damage resulting from disasters caused by enemy attack or disasters from fires, floods, earthquakes or other natural causes in accordance with the Missouri Civil Defense Act. The Crestwood office of civil preparedness shall consist of a director and a representative of each of the operating departments of the city and the city clerk and finance officer.
- (b) *Director.* The director shall be appointed by the mayor with the approval of the board of aldermen. The director may be an employee of the city. The director shall have direct responsibility for the organization, administration, and operation of the city office of civil preparedness, subject to the direction and control of the mayor, as provided by statute. In the event of the absence or inability of the director to serve for any reason, then the city administrator shall act as director. If the director is not concurrently a city employee, compensation may be set by the mayor and board of aldermen. If

the director is concurrently a city employee, no compensation in addition to the compensation being received as a city employee shall be made. All other members of the office of civil preparedness shall serve without additional compensation.

- (c) *Duties.* The Crestwood office of civil preparedness shall perform such functions within the city as shall be prescribed in and by the state and local civil defense plans and programs prepared by the governor, and such orders, rules and regulations as may be promulgated by the governor, and, in addition, shall perform such duties outside the corporate limits as may be required pursuant to any mutual aid agreement with any other political subdivision, municipality or quasi-municipality entered into as provided by the Missouri Civil Defense Act or the state survival plan.

The Crestwood office of civil preparedness shall promulgate rules and regulations to facilitate its obligation of the civil defense function with the city which are consistent with the Missouri Civil Defense Act or the state disaster plan and program.

The director of the Crestwood office of civil preparedness shall be responsible for the coordination, operation and implementation of an emergency operating plan. The plan shall be periodically updated with the approval of the affected governmental department and approved by the mayor.

- (d) *Mutual aid agreements.* The mayor, with the approval of the governor, may enter into mutual aid arrangements or agreements with other public and private agencies within and without the state for reciprocal emergency aid. Such arrangements or agreements shall be consistent with the state disaster plan and program. In time of emergency, it shall be the duty of the Crestwood office of civil preparedness to render assistance in accordance with such mutual aid arrangements or agreements. The director, with the approval of the mayor, may assist in the negotiations of reciprocal mutual aid agreements between this organization and other public and private agencies and between the governor and the adjoining states or political subdivisions thereof and shall carry out arrangements or agreements relating to the city.
- (e) *Use of city facilities.* In carrying out the emergency powers under the provisions of this section, the executive officers or governing bodies of the city are directed to utilize the services, equipment, supplies and facilities of existing departments, offices and agencies of the city to the maximum extent practical, and the officers and personnel of all such departments, offices and agencies are directed to cooperate with and extend such services and facilities to the governor and to the state emergency management agency upon request.

There is hereby established an emergency operation center located in the lower level of the Crestwood Government Center, 1 Detjen Drive, Crestwood, Missouri, to be used for conducting emergency operations for the city during a disaster as declared by the mayor. The emergency operating center shall be staffed by the director and members of the office of civil preparedness as well as any additional persons required to fulfill the operation of said center. The emergency operation center shall be maintained consistent with the directives of the state and regional emergency management agency. A standard operational procedure defining the mode and method of the emergency operation center shall be contained in the city emergency operation plan.

- (f) *Federal or state aid.* Whenever the federal government or state government, or officer or agency thereof, shall offer to the city, through the state, services, equipment, supplies, materials or funds by way of gift, grant or loan for the purpose of civil defense, the city, acting through its mayor, with the

consent of the governor, may accept such offer and, upon acceptance, the mayor may authorize any officer of the city to receive such services, equipment, supplies, materials or funds on behalf of the city subject to the terms of the offer.

- (g) *Emergency action.* In the event of an emergency, as defined in the Missouri Civil Defense Act, the director of civil preparedness is authorized on behalf of the city to procure services, supplies, equipment or material as may be necessary for such purposes, in view of the exigencies, without regard to the statutory procedures or formalities normally prescribed by law pertaining to municipal contract obligations, as authorized by the Missouri Civil Defense Act; however, if the board of aldermen meets at such time, the director shall act subject to the directions and restrictions imposed by that body.
- (h) *Enemy attack/natural disaster.* In the event of enemy attack or natural disaster as declared by the mayor, time consuming procedures and formalities otherwise required by statute pertaining to the advertisement for bids for the performance of public work or entering into contracts shall be waived.
- (i) *Expenditure of funds.* The expenditure of funds appropriated (or otherwise granted) to the Crestwood office of civil preparedness shall be under the control of the mayor and board of aldermen and administered by the city administrator.
- (j) *Oath.* Every person appointed to serve in any capacity in the Crestwood office of civil preparedness shall, before entering upon his duties, subscribe to the following oath, which shall be filed with the director: "I, _____, do solemnly swear (or affirm) that I will support and defend the constitution of the United States and the constitution of the State of Missouri, against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; that I will well and faithfully discharge the duties upon which I am about to enter; and I do further swear (or affirm) that I do not advocate, nor am I a member of any political party or organization that advocates, the overthrow of the government of the United States or of this state by force or violence; and that during such a time as I am a member of the Crestwood office of civil preparedness, I will not advocate nor become a member of any political party or organization that advocates the overthrow of the government of the United States or of this state by force or violence.

(Ord. No. 165, §§ 1—5, 3-16-54; Ord. No. 688, § 1, 1-9-62; Ord. No. 689, §§ 1—11, 1-9-62; Code 1965, § 4-31; Ord. No. 1370, § 1, 7-25-72; Ord. No. 1530, § 1, 10-8-74; Ord. No. 3259, §§ 1, 2, 5-25-93; Ord. No. 3851, § 1, 7-13-04)

Editor's note— Ord. No. 3851, § 1, adopted July 13, 2004 repealed former section 2-64 and renumbered former sections 2-65, 2-65.1 as 2-64, 2-65. Repealed former section 2-64 pertained to the railway commission and derived from the Code of 1965 and Ord. No. 1527, adopted Sept. 10, 1974.

State Law reference— Civil defense, RSMo Ch. 44; acceptance of goods and services, RSMo 44.028; emergency personnel, RSMo 44.080; cooperation with other agencies, RSMo 44.090; oath of personnel, RSMo 44.115.

Sec. 2-65. - Authorization of certain city departments to render mutual aid or emergency assistance.

Under the authority set forth in Section 70.837, Revised Statutes of Missouri, the city police, fire and public works departments are hereby authorized to respond and provide assistance as requested in any mutual aid or emergency aid request by a public safety agency in the State of Missouri or any bordering state having reciprocal legislation.

Note— See editor's note to § 2-64.

Sec. 2-66. - Ethics policy in general.

The proper operation of municipal government requires that public officials and employees be independent, impartial and responsible to the people; that government decisions and policy be made in the proper channels of the governmental structure; that public office is not used for personal gain; and that the public has confidence in the integrity of its government. In recognition of these goals, there is hereby established a procedure for disclosure by certain officials and employees of private financial or other interest in matters affecting the city.

- (1) *Conflicts of interest.* All elected and appointed officials, as well as employees of the City of Crestwood must comply with Section 105.454 of the Missouri Revised Statutes and City Charter regarding conflicts of interest, as well as any other state law governing official conduct. The mayor or any member of the board of aldermen who has a substantial personal or private interest as defined by state law and set out below in any bill shall disclose on the records of the board of aldermen the nature of his or her interest and shall disqualify himself or herself from voting on any matters related to this interest.
- (2) *Substantial or private interest.* The mayor, any member of the board of aldermen, as well as any appointed officials and employees shall be considered to have a substantial or private interest in any measure, bill or other ordinance proposed or pending before the city if that interest is an ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or collectively, directly or indirectly of: (a) ten (10) percent or more of any business entity; or (b) an interest having a value of ten thousand dollars (\$10,000.00) or more; or (c) the receipt of a salary, gratuity, or other compensation or remuneration of five thousand dollars (\$5,000.00) or more per year from any individual, partnership, organization, or association within any calendar year.
- (3) *Disclosure reports.* Each elected official, the city administrator (as the chief administrative officer), and the director of finance (as the chief purchasing officer) shall disclose the following information by May 1 if any such transactions were engaged in during the previous calendar year:
 - a. For such person and all persons within the first degree of consanguinity or affinity of such person, the date and the identities of the parties to each transaction with a total value in excess of five hundred dollars (\$500.00), if any, that such person had with the political subdivision, other than compensation received as an employee or payment of any tax, fee or penalty due to the political subdivision, and other than transfers for no consideration to the political subdivision; and
 - b. The date and the identities of the parties to each transaction known to the person with a total value in excess of five hundred dollars (\$500.00), if any, that any business entity in which such person had a substantial interest, had with the political subdivision, other than payment of any tax, fee or penalty due to the political subdivision or transactions involving payment for providing utility service to the political subdivision, and other than transfers for no consideration to the political subdivision.
- (4) The city administrator as the chief administrative officer and the director of finance as the chief purchasing officer also shall disclose by May 1 for the previous calendar year the following information:

- a. The name and address of each of the employers of such person from whom income of one thousand dollars (\$1,000.00) or more was received during the year covered by the statement;
 - b. The name and address of each sole proprietorship that he or she owned; the name, address and the general nature of the business conducted of each general partnership and joint venture in which he or she was a partner or participant; the name and address of each partner or co-participant for each partnership or joint venture unless such names and addresses are filed by the partnership or joint venture with the Secretary of State; the name, address and general nature of the business conducted of any closely held corporation or limited partnership or limited liability corporation in which the person owned ten (10) percent or more of any class of the outstanding stock or limited partnership or member units; and the name of any publicly traded corporation or limited partnership that is listed on a regulated stock exchange or automated quotation system in which the person owned two (2) percent or more of any class of outstanding stock, limited partnership units or other equity interests;
 - c. The name and address of each corporation for which such person served in the capacity of a director, officer or receiver.
- (5) *Filing of reports.* The reports shall be filed with the city clerk and the Missouri Ethics Commission. The reports shall be available for public inspection and copying during normal business hours.
- (6) *When filed.* The financial interest statements shall be filed at the following times, but no person is required to file more than one (1) financial interest statement in any calendar year:
- a. Each person appointed to office shall file the statement within thirty (30) days of such appointment or employment;
 - b. Every other person required to file a financial interest statement shall file the statement annually not later than May 1 and the statement shall cover the calendar year ending the immediately preceding December 31; provided that any member of the board of aldermen may supplement the financial interest statement to report additional interests acquired after December 31 of the covered year until the date of filing of the financial interest statement.
- (7) *Filing of ordinance.* The city clerk shall send a certified copy of the ordinance and any amendments to the Missouri Ethics Commission within ten (10) days of its adoption.

(Ord. No. 3197, § 1, 8-27-91; Ord. No. 3280, § 1, 8-24-93; Ord. No. 3315, § 1, 8-23-94; Ord. No. 3368, § 1, 8-17-95; Ord. No. 3471, § 1, 8-26-97; Ord. No. 3575, § 1, 7-27-99; Ord. No. 3679, § 1, 8-28-01; Ord. No. 3793, § 1, 8-26-03; Ord. No. 3834, § 3(Exh. A), 5-25-04; Ord. No. 3925, § 1, 8-23-05; Ord. No. 4080, § 1, 9-11-07; Ord. No. 4197, § 1, 8-25-09; Ord. No. 4311, § 1, 8-9-11; Ord. No. 4429, § 1, 8-13-13; Ord. No. 4572, § 1, 8-11-15)

Secs. 2-67—2-80. - Reserved.

ARTICLE IV. - FINANCE^[4]

Footnotes:

— (4) —

Cross reference— *Taxation, Ch. 25.*

State Law reference— *Financial Administration and Indebtedness, RSMo Ch. 95.*

DIVISION 1. - GENERALLY

Sec. 2-81. - Officers' liability.

If any officer of the city shall knowingly violate any provision of this article, he shall be personally liable to the city and liable under his bond, if any.

(Ord. No. 210, § 18, 2-23-55; Code 1965, § 5.26)

Sec. 2-82. - Fiscal year.

The fiscal year of the city shall commence on January 1 of each year and continue through December 31 of that year.

(Ord. No. 4324, § 1, 11-22-11)

Editor's note— Ord. No. 4324, § 1, adopted Nov. 22, 2011, repealed former § 2-82, and enacted a new § 2-82 as set out herein. Former § 2-82 pertained to the same subject matter and derived from Ord. No. 210, § 1, adopted Feb. 23, 1955; Ord. No. 671, § 1, adopted Aug. 1, 1961; Code 1965, § 5.01; Ord. No. 1405, § 1, adopted Nov. 28, 1972 and Ord. No. 1745, § 1, adopted June 26, 1979.

Sec. 2-83. - Deposit of funds.

- (a) Until otherwise provided by resolution of the board of aldermen, the board of aldermen may choose an official depository by competitive bid. Said depository shall be required to notify the city clerk/collector from time to time, and not less frequently than semi-annually, as to the name of the disinterested banking institution or safe depository in which the securities as required in Chapter 110, RSMo are deposited; and shall from time to time, and not less frequently than semi-annually notify the city clerk/collector of the amount of such deposits with respect to each bank account of the city. The city clerk/collector shall bring these advises to the attention of the board of aldermen at its next regular meeting after receipt thereof from the depository.
- (b) The city finance officer/treasurer shall maintain such separate checking accounts as necessary to provide sufficient accounting controls on city funds. Checks for disbursement of funds must be signed by the city clerk/collector or the deputy city clerk, and by the mayor or in the mayor's absence a designated member of the ways and means committee.
- (c) Funds of the city that are required to be expended for the maintenance of streets and highways, such as receipts from motor vehicle licenses, road refund taxes from the county and gasoline taxes from the state, may be accounted for in the general fund in appropriate accounts until such time as the board of aldermen, by resolution, shall require that a separate fund be designated as the "highway fund."
- (d) Funds derived from the sale of bonds must be deposited in a separate bank account to be known as the "bond fund". The finance officer/treasurer may either deposit all funds derived from the sale of authorized bonds in one (1) bank account or may open a separate bond account for each issue authorized, designating the several accounts in such manner as the "park bond fund" or the "public building bond fund" or otherwise, to distinguish appropriately the various accounts. Checks drawn on the bond fund shall be signed in the same manner as provided for checks drawn on the general fund.
- (e) All funds of the city required to be used for the retirement of bonds, payment of interest thereon and to accumulate funds for the retirement of bonds shall be deposited in an account to be known as the "bond interest and sinking fund," or the finance officer/treasurer may elect to open separate bank accounts for this purpose for each authorized issue of bonds and in such case shall distinguish the several accounts by including in the name an appropriate designation. Checks drawn on the bank account of the bond interest and sinking fund shall be signed in the same manner as provided for checks drawn on the general fund.

- (f) Any funds received by the city in trust or on temporary deposit for special and limited use or purpose, or under escrow, shall be deposited in the general revenue fund, with release of said funds to be controlled by the city's internal accounting system.
 - (g) The board of aldermen may from time to time, by ordinance or resolution, provide for the establishment of other bank accounts. The authorization for the account shall designate the officials who shall sign checks drawn on such account.
 - (h) Officials of the city who are authorized to receive monies for the account of the city from any source and to make periodic settlement with the finance officer/treasurer, may be authorized by ordinance or resolution of the board of aldermen to open bank accounts which shall be designated "City of Crestwood," followed by the title of the officer and the name of the officer. Checks drawn on such accounts shall be signed by the named officer in his capacity as such, or his deputy, and by the mayor, or the chairman of the ways and means committee who shall sign as "acting mayor".
 - (i) In the event of a vacancy in the office of mayor, the president pro tem of the board of aldermen may sign any check with the mayor is authorized to sign, as "acting mayor."
 - (j) The board of aldermen, by resolution, may authorize the city clerk to sign checks in the absence of the mayor or chairman of the ways and means committee or the president pro tem of the board of aldermen, under such terms, conditions and limitations as may be provided in the resolution.
 - (k) Bonds, notes and other evidence of debt of the city shall be signed by the mayor or president pro tem of the board of aldermen as "acting mayor" and shall be attested by the city clerk/collector.
- (Ord. No. 725, §§ 1—6, 8—12, 5-1-62; Code 1965, § 5.28; Ord. No. 1562, §§ 1, 2, 2-25-75; Ord. No. 1594, §§ 1, 2, 2-10-76; Ord. No. 1814, § 1, 3-10-81)

State Law reference— When advertisement for bids unnecessary, RSMo 110.030.

Sec. 2-84. - Tax increment financing.

- (a) *Creation of commission.* There is hereby created a commission to be known as the "Tax Increment Financing Commission of the City of Crestwood, Missouri" ("TIF Commission").
- (b) *Authority of TIF commission.* The TIF commission shall serve as an advisory board to the city as it relates to the consideration of tax increment financing proposals submitted by interested parties or initiated by any public agency in accordance with the Real Property Tax Increment Allocation Redevelopment Act, RSMo §§ 99.800 to 99.865, as amended (the "Act"). The board of aldermen hereby authorizes and approves the exercise by the TIF commission of only those powers that are required by the Act to be exercised by the TIF commission, as follows:
 - (1) The TIF commission shall hold public hearings and give notices pursuant to sections 99.825 and 99.830 of the Act on proposed redevelopment plans, redevelopment projects and designation of redevelopment areas and amendments thereto.
 - (2) The TIF commission shall vote on all proposed redevelopment plans, redevelopment projects and designations of redevelopment areas and amendments thereto, within thirty (30) days following completion of a hearing on any such plan, project designation or amendment, and shall make recommendations within the time specified by the Act.
- (c) *Organization of TIF commission.* The TIF commission shall elect from among its members a chairman, vice chairman and secretary. Meetings of the TIF commission shall be open to the public to the extent provided by law and a record shall be kept of each meeting. The city clerk shall serve as the custodian

of records of the TIF commission. The TIF commission may establish rules and procedures not in conflict with city ordinances or policies or the Act and shall meet as required to fulfill its obligations set forth in the Act.

- (d) *Membership.* The TIF commission shall consist of members in numbers and, representatives as set forth in section 99.820 of the Act. Representatives of the city shall be appointed by the Mayor with the consent of a majority of the board of aldermen, and shall serve such terms as provided in the Act. Members representing the other taxing jurisdictions shall be appointed in the manner as provided, and shall serve such terms as provided in the Act.

The appropriate officials of the city are hereby directed to provide notice to other taxing districts of the establishment of the TIF commission in the manner required by the Act.

- (e) *General policy regarding tax increment financing.* It is the policy of the city to consider the use of tax increment financing for those projects that demonstrate a substantial and significant public benefit resulting from one (1) or more of the following: eliminating blight, financing desirable public improvements, strengthening the employment and economic base of the city and other taxing jurisdictions, increasing property values, reducing poverty, creating economic stability, upgrading older neighborhoods and areas, and facilitating economic self-sufficiency.
- (f) *Procedures for bids and proposals.* The city hereby adopts the following procedures for bids and proposals for the implementation of redevelopment projects:
- (1) The city or the TIF commission shall solicit proposals with respect to the implementation of each proposed redevelopment project.
 - (2) Each request for proposals shall state the primary objectives of the proposed redevelopment area or redevelopment project.
 - (3) Each request for proposals (or notice thereof) shall be published in a newspaper of general circulation in the city and may be mailed to those persons or firms that the city or the city's planning consultant determines may be interested in submitting a bid. Each request for proposals shall provide at least thirty (30) days for the submission of a proposal.
 - (4) Each proposal must demonstrate that "but for" the use of tax increment financing, the project is not feasible and would not be completed.
 - (5) Criteria for the selection of proposals by the board of aldermen will include the impact of the proposed project on the city and other taxing jurisdictions, including the projected term for which tax increment financing will be utilized. The board of aldermen may establish such additional criteria as it deems appropriate for the selection of bids and proposals. Each request for proposals shall provide reasonable opportunity for any person to submit alternative proposals or bids.

(Ord. No. 4374, § 1, 9-25-12)

Editor's note— Ord. No. 4374, § 1, adopted Sept. 25, 2012, repealed former § 2-84, and enacted a new § 2-84 as set out herein. Former § 2-84 pertained to tax increment financing commission and derived from Ord. No. 3475, §§ 1, 2, adopted Aug. 26, 1997.

Cross reference— Taxation, Ch. 25.

Secs. 2-85—2-95. - Reserved.

DIVISION 2. - BUDGET; APPROPRIATIONS^[5]

Footnotes:

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State Constitution reference—Annual budget, Art. 6, § 24.

State Law reference— Annual budget, RSMo 67.010 et seq.

Sec. 2-96. - Budget estimates.

- (a) *Preparation.* On or before October fifth of each year, the city administrator shall prepare and submit to the ways and means committee estimates of the requirements for expenditures and estimated revenues for the next fiscal year, compared with the corresponding figures for the last year and estimated figures for the current fiscal year. The expenditures estimate shall be classified as to funds, organization units, character and objects of expenditures.
- (b) *Committee review.* The ways and means committee shall review the estimates and make recommendations altering, revising, increasing or decreasing the items as it shall deem necessary in view of the needs of the various spending agencies and the probable income for the year. The budget and the ways and means committee recommendations shall be transmitted to the board of aldermen on or before the second regular board of aldermen meeting in the month of November.
- (c) *Hearings.* The board of aldermen shall hold a public hearing on the proposed budget in conjunction with the first regular meeting of the board of aldermen in December of each year, unless some other more stringent requirement is specified by state or federal law.

(Ord. No. 210, § 2, 2-23-55; Ord. No. 671, § 2, 8-1-61; Code 1965, § 5.02; Ord. No. 1434, § 1, 3-27-73; Ord. No. 1745, § 1, 6-26-79; Ord. No. 4324, § 2, 11-22-11)

Sec. 2-97. - Mayor; budget responsibility.

As chief executive and chairman of the ways and means committee, the mayor shall be the budget officer and shall be responsible for insuring the timely completion of the budget process according to the schedule outlined in this article. The city administrator shall prepare or assist in the preparation of the proposed budget and submit it to the ways and means committee.

(Ord. No. 210, § 3, 2-23-55; Ord. No. 687, § 1, 12-12-61; Code 1965, § 5.03; Ord. No. 1745, § 1, 6-26-79)

State Law reference— Budget officer, RSMo 67.020.

Sec. 2-98. - Change of fiscal year.

If the commencement and termination dates of the fiscal year are changed at any time, the then current fiscal year shall be altered to terminate at the end of the day before the new fiscal year is to commence, unless the ordinance providing for the change fixes a different termination date. The budget for the new fiscal year shall be a completed document and the then current budget shall be of no force or effect after the commencement of the new fiscal year, unless due to lack of time to complete the new budget by the beginning of the new fiscal year, the board of aldermen by express order continues the current budget for a fixed period into the new fiscal year, in which case the new budget shall be based upon estimates and appropriations for the remainder of the new fiscal year.

(Ord. No. 671, § 5, 8-1-61; Code 1965, § 5.04)

State Law reference— Budget for preceding year to govern, when, RSMo 67.070.

Sec. 2-99. - Fees excluded from budget.

The budget need not estimate the amount of fees that are to be collected and paid out to officers of the city for inspections and other specified services, nor shall it estimate the amount that may be received by the city in trust or on deposit for specified uses and purposes such as deposits for street openings and advances for street repairs or improvements, or otherwise; but all permit fees and portions of deposits which are a part of the city's general revenue shall be estimated. No provision need be made in the budget for payment of such fees or for disbursements of said deposits. The finance officer/treasurer shall, as he collects or receives fees which are to be paid out to officers, and as he receives deposits which are to be refunded under certain circumstances or used for certain designated or contractual purposes, place such monies in a special account or fund separate from the budget accounts and shall disburse them from time to time as provided by law or ordinance. He shall report to the board of aldermen or ways and means committee on the state of such accounts as required by either of them.

(Ord. No. 268, § I, 1-10-56; Code 1965, § 5.06)

Sec. 2-100. - Unpaid obligations; payment.

Payment of any legal unpaid obligations of any fund for any prior year shall be a first charge in the budget against the income and revenue of such fund for the budget year.

(Ord. No. 210, § 5, 2-23-55; Code 1965, § 5.07)

Sec. 2-101. - Contents of budget.

The annual budget shall present a complete financial plan for the ensuing fiscal year. It shall be adopted not later than December 31. It shall provide for the salaries, office expense and deputy and clerical hire of all officers and agencies and all purchases and other anticipated expenses of the city. It shall set forth in detail the anticipated income and other means of financing the proposed expenditures. All receipts of the city for operation and maintenance shall be credited to the general fund. All receipts from the sale of bonds shall be credited to the bond fund created for the purpose, and all expenditures for such purpose shall be charged to such fund. All receipts for the retirement of any bond issue shall be credited to a retirement fund for such issue, and all payments to retire such issue shall be charged to such fund. All receipts for interest on outstanding bonds and all premiums and accrued interest on bonds sold shall be credited to the interest fund, and all payments of interest on such bonds shall be charged to such interest fund. The board of aldermen may create such other funds as may be necessary from time to time.

(Ord. No. 210, § 6, 2-23-55; Ord. No. 671, § 3, 8-1-61; Code 1965, § 5.08; Ord. No. 1434, § 3, 3-27-73; Ord. No. 4324, § 3, 11-22-11)

State Law reference— Contents of budget, RSMo 67.010.

Sec. 2-102. - Budget document.

- (a) After the public hearings, the city administrator shall submit a completed budget document to the board of aldermen including:
 - (1) A budget message submitted by the mayor;
 - (2) A budget report and summaries describing the important features of the budget and major changes from the preceding year;
 - (3) Estimates of revenues to be received from all sources for the budget year with a comparative statement of actual or estimated revenues for the two (2) years next preceding, itemized by year, fund and source;

- (4) Proposed expenditures for each department, office, commission and other classification for the budget year, together with a comparative statement of actual or estimated expenditures for the two (2) years next preceding, itemized by year, fund, activity and object;
 - (5) The amount required for the payment of interest, amortization and redemption charges on the debt of the city;
 - (6) A general budget summary; and
 - (7) Complete drafts of appropriation ordinances or orders to put the budget into effect when approved by the board of aldermen. The appropriation ordinances or orders shall be drawn in such form as to authorize appropriations for expenditures classified only as to various activities of the city and the principal subdivisions thereof, and as to the principal items of expenditure within such subdivisions.
- (b) In no event shall the total proposed expenditures from any fund exceed the estimated revenues to be received, plus any unencumbered balance or less any deficit estimated for the beginning of the budget year.

(Ord. No. 210, § 7, 2-23-55; Ord. No. 687, § 3, 12-12-61; Code 1965, § 5.09; Ord. No. 1745, § 1, 6-26-79)

State Law reference— Contents of budget, RSMo 67.010.

Sec. 2-103. - Adoption of budget; form.

The adoption of the budget may be made by order of the board of aldermen instead of by ordinance, and additional appropriations and changes in the appropriation may be made from time to time by order instead of ordinance. If the budget is adopted by ordinance, it can only be amended by ordinance, except that the appropriation from the reserve fund and appropriated funds may be made by order and may be added to appropriations made in the original budget from time to time. The city clerk/collector, for each fiscal year, shall keep the original appropriation order, together with necessary explanatory notes and also subsequent orders affecting the budget in a single volume to be available to the board at all times.

(Ord. No. 267, § I, 1-10-56; Ord. No. 308, § I, 6-26-56; Ord. No. 674, § 1, 8-1-61; Code 1965, § 5.10; Ord. No. 1434, § 4, 3-27-73; Ord. No. 1745, § 1, 6-26-79)

State Law reference— Authorization of expenditures, RSMo 67.020; approval of budget, RSMo 67.030.

Sec. 2-104. - Unappropriated funds.

Unappropriated funds shall consist of any unencumbered balance that may be on hand at the beginning of the fiscal year; and during the fiscal year, any amounts received from anticipated revenues greater than the sum of the estimated revenues.

(Ord. No. 268, § II, 1-10-56; Ord. No. 308, § I, 6-26-56; Ord. No. 671, § 4, 8-1-61; Code 1965, § 5.11; Ord. No. 1745, § 1, 6-26-79)

Sec. 2-105. - Revision of budget; surplus.

After the budget hearings, the board of aldermen may revise, alter, increase or decrease the items contained in the budget and may eliminate any item or add new items. If it increases the proposed expenditures from any fund it shall make provision for the necessary additional income. Any unencumbered cash surplus at the end of a fiscal year may be carried forward and merged with the revenues of the succeeding year.

(Ord. No. 210, § 8, 2-23-55; Ord. No. 687, § 4, 12-12-61; Code 1965, § 5.12)

Sec. 2-106. - Failure to appropriate; budget amounts continued.

If at the termination of any fiscal year the appropriations necessary for the government for the ensuing year have not been made, the several amounts appropriated in the last annual appropriation order for the objects and purposes specified shall be deemed to be reappropriated, and until the board of aldermen shall act the finance officer/treasurer shall approve expenditures and honor warrants in payment thereof.

(Ord. No. 210, § 9, 2-23-55; Code 1965, § 5.13)

Sec. 2-107. - Transfer of funds.

The city administrator shall have the power to authorize the transfer within the same activity, the appropriations among the various accounts within that activity except that any transfer within an activity so as to increase the salary appropriation for the purpose of employing additional personnel shall require the approval of the board of aldermen. No transfer in excess of five thousand dollars (\$5,000.00) shall be made into any single account of any activity at any one (1) time. All transfers authorized shall be reported by the city administrator to the board of aldermen within thirty (30) days of said transfer.

(Ord. No. 210, § 10, 2-23-55; Ord. No. 267, §§ II-IV, 1-10-56; Ord. No. 687, § 5, 12-12-61; Code 1965, § 5.14; Ord. No. 1745, § 1, 6-26-79)

State Law reference— Transfer of funds from one agency to another, RSMo 67.050.

Sec. 2-108. - Appropriation amendment.

The title of ordinances which amend appropriation ordinances shall be sufficient and the amending ordinance shall be valid if the title refers without details or particulars to the section being amended and states in general terms that the previously existing appropriation is increased or decreased, as the case may be.

(Ord. No. 267, 1-10-56; Code 1965, § 5.15)

Sec. 2-109. - Budget records.

The budget or the orders, motions, resolutions or ordinances as may be required to authorize the expenditures proposed in the budget as finally approved and any orders, motions, resolutions or ordinances to increase the total amount authorized for expenditure adopted shall remain on file for three (3) years and shall be public records and open to inspection. To each copy so filed, the budget officer shall attest to the fact that preparation and adoption proceedings were conducted in the manner prescribed herein.

(Ord. No. 687, § 6, 12-12-61; Code 1965, § 5.16)

State Law reference— Similar provisions, RSMo 67.060.

Sec. 2-110. - Reserved.

Editor's note— Ord. No. 4241, § 1, adopted March 23, 2010, repealed § 2-110, which pertained to non-expendable trust account and derived from Ord. No. 355, §§ 1, 3—10, 2-26-57; Code 1965, § 5.27; Ord. No. 1559, §§ 1—3, 2-25-75 and Ord. No. 1814, § 1, 3-10-81.

Sec. 2-111. - Road and bridge tax refund.

The mayor may execute for and on behalf of the city, for the calendar year 1973 and thereafter, such affidavits as may from time to time be required by law with regard to the use and application by the city of funds received from the county road and bridge tax refund. Such use and application of said refund shall be in accordance with the laws of the state.

(Code 1965, § 5.33)

Cross reference— Streets and sidewalks, Ch. 24; taxation, Ch. 25.

State Law reference— County special road and bridge tax, RSMo 137.554 et seq.

Secs. 2-112—2-120. - Reserved.

DIVISION 3. - CONTRACTS; EXPENDITURES^[6]

Footnotes:

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Editor's note—Ord. No. 3834, § 2(Exh. A), adopted May 25, 2004, repealed former Div. 3, §§ 2-121—2-135, in its entirety which pertained to similar subject matter and derived from the Code of 1965 and the following:

Ord. No.	Section	Date
210	11—	2-23-55
953	1	8- 9-66
1061	1	5-28-68

Ord. No.	Section	Date
1676	1	7-26-77
2084	1, 2	1-13-87
3291	1	1-25-94

Sec. 2-121. - Definitions.

Words used in this division in the present tense include the future as well as the present, the singular includes the plural, and the plural includes the singular. The following words have the significance attached to them in this section, unless otherwise apparent from the context of the section in which they appear. Various sections of the manual shall include definitions where words must be defined for understanding and application to that particular section.

Authorizing officer. Department heads and city administrator.

Board of aldermen. Elected governing body of the City of Crestwood.

Budgetary category. Personnel services, commodities, contractual services, or capital outlay.

City. City of Crestwood, Missouri.

City administrator. Chief administrative officer of the City of Crestwood.

Comparable. Includes more than the initial price; items such as availability, maintenance, life cycle costing, quality, and flexibility are to be considered when comparing purchases.

Department heads. Recognized department heads of the City of Crestwood are: the chief of police; the chief of fire services; the director of finance; the director of parks and recreation; and the director of public works. For the purpose of this policy, the city clerk shall be considered in this classification for the purposes of purchasing authority.

Director of finance. Director of finance of the City of Crestwood.

Management. Mayor and board of aldermen, the city administrator, department heads, and the city clerk of the City of Crestwood.

May. Permissible or optional.

Mayor. Chief executive officer of the City of Crestwood.

Shall. Mandatory.

Should. Encouraged.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Sec. 2-122. - Purpose.

- (a) This division has been designed to ensure that the policies set by the board of aldermen with regard to the expenditure of public funds are met by all city departments.
- (b) The basic goals of the city's purchasing ordinance are:
 - (1) To coordinate purchasing activities between the various departments and the department of finance.
 - (2) To ensure consistent use of purchasing forms.
 - (3) To purchase or contract for all supplies and contractual services needed by the city in accordance with all legal requirements.
 - (4) To procure the highest quality in supplies and contractual services at the least expense to the city.
 - (5) To exploit the possibilities of buying in bulk so as to take full advantage of discounts.
 - (6) To procure all federal exemptions to which the city is entitled.
- (c) If these public purchasing goals are accomplished, public monies can be better managed and utilized.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Sec. 2-123. - General guidelines.

These general guidelines shall be considered administrative rules and regulations and shall be adhered to as closely as possible by all departments in the procurement of goods and services.

- (a) *Purchase of American products and services.* It is the policy of the city to encourage the purchase of products manufactured, assembled, or produced in the United States if the quality and price are comparable with other goods, in accordance with Missouri State statutes.

On purchases in excess of one thousand dollars (\$1,000.00), authorizing officers shall give preference to the purchase of American products over foreign products of comparable quality and price.

Every contract for public works construction or maintenance in excess of five thousand dollars (\$5,000.00) shall contain a provision requesting that the contractor use American products in the performance of the contract whenever the quality and price are comparable with other goods.

- (b) *Purchase of Crestwood products and services.* It is the policy of the city to encourage the purchase of materials, services, products, supplies, provisions, and other needed articles produced, manufactured, compounded, made or available within the City of Crestwood, first.
- (c) *Purchase of recycled paper products.* It is the policy of the city to encourage the purchase of recycled paper products when recycled paper can be obtained that is comparable to the quality presently used by the city and if the price is competitive, except that all copy paper, stationery and envelopes purchased by the city shall be at least fifty (50) percent recycled paper.
- (d) *Planning.* Planning for purchases shall be done on both a short-term and long-term basis. Small orders and last minute purchases shall be kept to a minimum, thereby increasing the ability of each department to purchase its goods and services in larger quantities in order to obtain the maximum discounts available. Planning will also save on the number of trips required to obtain materials and minimize the amount of clerical and supervisory time spent on documenting purchases.
- (e) *Overdrafts prohibited.* No purchases shall be authorized which would overdraw an operational budgetary category. Authorizing officers who anticipate a purchase exceeding a budgetary account shall notify the director of finance to ensure that the necessary funds are available within the operational budget category. Authorizing officers must identify the source of overdraft protection identified within the operational budget category prior to initiating a purchase that would exceed that account.
- (f) *Buying proper quality.* It is the duty of each department to secure the proper quality and service. These items are just as important as price. Quality buying is the buying of goods or services that will meet but not exceed the requirements for which the goods are intended. Different factors, such as durability, availability, ease of installation, frequency of repair, or efficiency of operation, may be of primary consideration depending upon the item purchased. It is the responsibility of each authorizing officer to become familiar enough with the available equipment to determine the appropriate quality required to develop specifications.
- (g) *Gratuity.* Gratuity in any form creates the perception of favoritism. While money by vendors to secure favorable consideration is seldom attempted, vendors may attempt to secure favoritism by offering gifts or providing entertainment to city officials. The city hereby adopts a policy requiring the disclosure of gifts and/or favors having a face or market value at or above one hundred dollars (\$100.00). This disclosure shall be in written form, prepared and delivered by the individual employee to the city administrator who shall maintain the permanent record of such disclosures. The written

disclosure shall include the following information with respect to the gift or favor: The employee receiving; the company (and representative) offering; the face or market value; the nature of the gift or favor; and the disposition.

- (h) *Sales tax.* The city is exempt from paying all local and state sales taxes or federal excise taxes. Every reasonable effort should be made to avoid the additional expense of sales tax. The finance department can provide vendors a copy of the exemption documentation, as requested. The use of the exemption documentation for personal purchases is strictly prohibited and shall subject an employee to immediate discharge.
- (i) *Public access.* All specifications, bid documents, purchase orders, and supporting documentation are public records which shall be made available for public inspection upon request.
- (j) *Endorsements.* It is the city's policy not to endorse or in any way permit an employee's name, position, or the city's name to be used and advertised as supporting a vendor and/or product.
- (k) *Personal purchases.* Personal purchases for employees by the city are prohibited. City employees are also prohibited from using the city's name or the employee's position to obtain special consideration in personal purchases or to avoid the payment of sales tax.
- (l) *Conflict of interest.* No employee or elected or appointed official of the city or their immediate families as defined by City Code shall have any financial interest in the award of a contract or purchase. Personal relations with vendors are not to deter close examination of vendor performance. Contract awards must always be to the lowest responsible vendor complying with the specifications.

Any purchase order or contract in which any employee of the city is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract, the board of aldermen shall have the authority to waive the conflict when it finds such action to be in the best interests of the city.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Sec. 2-124. - Purchasing policies.

The board of aldermen has established policies regarding the method to be used in the purchasing of goods and services, depending upon the cost of the item to be purchased. Subdividing purchases to avoid these requirements is strictly prohibited.

- (a) *Purchases under five hundred dollars and ninety-nine cents (\$500.99).* Authorizing officers are authorized to purchase from vendors directly without a purchase order for any budgeted category purchase in the amount of five hundred dollars and ninety-nine cents (\$500.99) or less. The authorizing officers need not secure the approval of the director of finance or the city administrator in order to make purchases in this price range.

It is the responsibility of each authorizing officer to ensure complete control over this method of purchasing. Authorizing officers should identify those employees authorized to make purchases. Authorizing officers are responsible for providing internal control procedures to ensure that all purchases are for legitimate public purposes and that all purchases and inventory are accounted for. Authorizing officers may wish to establish an internal inventory system which would ensure that each purchase made is inventoried and correlated with the appropriate requisition number, including small items purchased under open accounts. Any department routinely making purchases costing less than five hundred dollars and ninety-nine cents (\$500.99) or purchases frequently under open accounts should establish such a system.

The purchasing department is encouraged to competitively shop to ensure that vendors with which the city deals are maintaining competitive pricing and appropriate quality. The department may find it convenient to occasionally use the telephone quotation form, even though items required are below the amounts necessary to trigger this procurement process. These forms need not be submitted to the finance department when purchases are less than five hundred dollars and ninety-nine cents (\$500.99).

- (b) *Purchases from five hundred one dollars (\$501.00) to two thousand five hundred dollars and ninety-nine cents (\$2,500.99).* Purchase orders for goods or services having a value of five hundred one dollars (\$501.00) to two thousand five hundred dollars and ninety-nine (\$2,500.99) must be submitted by the authorizing officers for approval by the director of finance prior to placing an order with a vendor. The director of finance shall review the requested item with the current budget, as well as the timeliness of the purchase. Before submitting a purchase order, authorizing officers must obtain three (3) oral quotations for the goods or services required. The quotations may be obtained over the telephone utilizing the telephone quotation form. The purchase order awarding the purchase to the lowest responsible bidder should then be forwarded to the director of finance who shall check to ensure that the telephone quotation form has been completed correctly, or that the quotes have been appropriately shown under the "Quotes" section of the purchase order form, and that funds are available in the appropriate account.

If authorizing officers are unable to secure three (3) telephone quotations, a notation explaining that less than three (3) qualified vendors were available should be made on the purchase order form under the "Quotes" section. When seeking three (3) informal quotes, the practice of "auctioneering" should be avoided by refusing to disclose to a vendor the price quoted by competitors.

- (c) *Purchases from two thousand five hundred one dollars (\$2,501.00) to ten thousand dollars (\$10,000.00).* Prior to processing a purchase order to secure goods or services costing two thousand five hundred one dollars (\$2,501.00) or more, authorizing officers must obtain three (3) written quotations. If authorizing officers are unable to secure three (3) written quotations, a memorandum explaining why less than three (3) qualified vendors were available should be attached to the purchase order and forwarded to the director of finance for review or an explanation should be made under the "Quotes" section of the purchase order itself. All purchases in excess of two thousand five hundred one dollars (\$2,501.00) require the city administrator's prior approval.

All written quotations should be originals on the vendor's own quotation form or letterhead. Facsimile or e-mail quotations from the vendor may be acceptable. These original written quotes should be attached to the purchase order.

Authorizing officers are reminded that the use of written quotations requires appropriate planning to ensure that adequate lead time is available to satisfy these purchasing requirements. It is possible to obtain written quotations in person and submit a purchase order in a single day.

- (d) *Purchases in excess of ten thousand dollars (\$10,000.00).* Authorizing officers anticipating the purchase of goods or services exceeding ten thousand dollars (\$10,000.00) in value should prepare specifications based upon standards appropriate to meet the city's needs. Each authorizing officer should prepare the necessary bid package, public notices, and advertisements to meet the City's Code, and send invitations to bid to qualified vendors for all items. All specification packages shall be submitted to the director of finance for prior approval to proceed before any notice or advertisement is initiated.

Formal bids shall be publicly advertised for at least ten (10) business days prior to bid opening in no less than two (2) regional publications of general circulation and posted on the city's web site. The bids must be publicly opened at the time, location and date specified. The authorizing officers must submit a recommendation to the director of finance who shall in turn confirm the recommendation or request additional information. Once the recommendation has been reviewed and approved by the director of finance, it shall be forwarded to the city administrator for submission to the board of aldermen.

All purchases over ten thousand dollars (\$10,000.00) must be awarded by the board of aldermen at a public meeting. The award shall normally be made to the lowest responsible bidder meeting specifications. When an exception is sought, it is incumbent upon the individual department head or the city clerk to thoroughly document the reasons why the low bidder should not be accepted.

In determining the "lowest responsible bidder," in addition to price, the board of aldermen or other authorizing officer shall consider: The ability, capacity or skill of the bidder to perform the contract or provide the service required, whether the bidder can perform the contract or provide the service promptly or within the time specified, without delay or interference; the character, integrity, reputation, judgment, experience and efficiency of the bidder; the quality of performance of previous contracts or services; the previous and existing compliance by the bidder with laws and ordinances relating to the contract or service; the sufficiency of the financial resources and ability of the bidder to perform the contract or provide the services; the quality, availability and adaptability of the supplies or contractual services to the particular use required; the ability of the bidder to provide future maintenance and service for the use of the subject of the contract; and the number and scope of conditions attached to the bid.

(e) *Approval of purchases.* All purchase orders or contracts must be for goods or services covered by a category in the budget for the current fiscal year as approved by the board of aldermen. Any purchase of an item not provided for in the current fiscal year's budget must receive the prior approval of the board of aldermen.

Authorizing officers are authorized to approve all purchases after complying with the competitive shopping requirements as specified above, subject to the approval of the city administrator. Authorizing officers shall also be authorized to expend funds, subject to the approval of the city administrator, exceeding ten thousand dollars (\$10,000.00) for materials and supplies under blanket purchase order for a fixed period of time that was issued as a result of board of aldermen approval which shall include "per unit" purchases which may in the aggregate exceed ten thousand dollars (\$10,000.00) over the duration of the purchase order.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Sec. 2-125. - Special circumstances.

Occasionally, the city may need to purchase goods or services under circumstances which do not clearly fit the patterns of normal public procurement and for which normal competitive shopping procedures do not apply. The following guidelines are provided with regard to making such purchases.

(a) *Exclusive service.* In the event that there is only one (1) firm or company or individual capable of providing a particular service or commodity and said services or commodities cannot be secured from other persons or companies, then the competitive bidding procedures outlined in this manual may be waived. Whenever authorizing officers determine that goods or services must be purchased from a "sole source vendor," documentation must be provided by the authorizing officer to the

director of finance. The documentation should be attached to the purchase order. Exclusive service purchases for amounts exceeding two thousand five hundred dollars (\$2,500.00) must be pre-approved by the city administrator.

- (b) *Cooperative procurement programs.* Authorizing officers are encouraged to use cooperative purchasing programs sponsored by the State of Missouri or other jurisdictions. Cooperative purchasing can prove advantageous to the city both by relieving authorizing officers of the paperwork necessary to document the purchase and by taking advantage of the large quantity purchases made by state government. Purchases made through these programs have met the requirements of competitive shopping and require no further documentation. Authorizing officers are encouraged to check with the state and other jurisdictions regarding cooperative procurement contracts in effect prior to making any large purchases.

- (c) *Professional services.*

(1) *Request For proposal.*

- a. A request for proposal (RFP) can be prepared in much the same way as specifications, including requirements and minimum standards for the services to be provided. RFPs should be submitted to the city administrator for review and approval prior to distribution. When an RFP for professional services is approved, a limited number of qualified professionals known to the city shall be invited to submit a proposal setting forth their interest, qualifications, and how they can meet the city's needs. In securing professional services, it is the primary goal of the city to obtain the services of a professional who has a proven record of providing, those services required. A contract will be negotiated with the professional deemed to best meet the city's needs.

- (2) *Exceptions.* The following shall be the policy and procedures for selecting architectural, engineering and land surveying services for the city.

a. Definitions.

- i. Firm. The term "firm" shall mean any individual, firm, partnership, corporation, association, or other legal entity permitted by law, to practice the profession of architecture, engineering, or land surveying or other professional services and provide said services.
- ii. Architectural services. The term "architectural services" shall mean those services within the scope of practice of architecture as defined by the laws of the State of Missouri, Section 327.091 RSMo., and shall include landscape architects.
- iii. Engineering services. The term "engineering services" shall mean those services within the scope of practice of engineering as defined by the laws of the State of Missouri, Section 327.181 RSMo.
- iv. Land surveying services. The term "land surveying services" shall mean those services as defined by the laws of the State of Missouri, Section 327.272 RSMo.
- v. Selection committee. The term "selection committee" shall mean the city administrator, director of public works, the department head of the using department, and at the mayor's discretion, a member of the board of aldermen.

(3) *Roster of consultants.*

- a. The city administrator or designated staff shall maintain a roster of qualified firms interested in performing professional services for the city. Names of firms will be placed on the roster upon their request, at the request of members of the board, or when recommended by city

departments.

- b. Each firm satisfying the following minimum qualifications shall be deemed to be a qualified firm and as meeting the qualifications of the city:
 - i. Duly authorized to conduct business in the State of Missouri in their particular profession.
 - ii. Professional registration by the State of Missouri.
 - iii. At least one (1) staff professional assigned to each project. Adequacy of personnel shall be determined on a contract-by-contract basis against the city's estimate of manpower required to perform the work in the desired time frame.
- c. Resumes and data. Each person or firm listed on the roster shall be responsible for maintaining with the city administrator or designated staff a current resume describing his, her or its qualifications and experience. Data which shall be included is as follows:
 - i. Firm name, address, and telephone numbers.
 - ii. Year established and former firm names.
 - iii. Types of services for which it is qualified.
 - iv. Names of principals of the firm and states in which they are registered.
 - v. Names of key personnel with experience of each and length of time in the organization.
 - vi. Number of staff available for assignment.

(4) *General procedures and responsibilities.*

- a. Project initiation. When a department of the city identifies a project for which architectural, engineering, or land surveying services will be necessary, the department will draft a scope of services for the specific project. This scope of services shall be submitted to the city administrator for authorization to initiate the project. The department shall include in the scope of services the following:
 - i. A description of the work required and its objectives.
 - ii. The nature of specific tasks and services to be accomplished.
 - iii. The type and amount of assistance to be given by the department involved.
 - iv. Required time frame.
 - v. Financial conditions or limitations; any grant program involved.
- b. Expressions of interest. The using department shall contact those firms on the roster for an expression of interest in the specific project. The request should invite the firm's comments as to the special experience in the project being considered; description of previous experience with similar projects, and the availability of the firm to provide required service within any time limitations.
- c. Initial screening and requests for proposals. The expressions of interest shall then be presented to the department requesting the services for initial screening. Factors to be determined in the initial screening will include:
 - i. Specialized experience in the type of work required.
 - ii. Record of the firm in accomplishing work on other projects in the required time.
 - iii. Quality of work previously performed by the firm for the city.
 - iv. Recent experience showing accuracy of cost estimates.
 - v. Community relations including evidence of sensitivity to citizen concerns.

After the screening, detailed proposals shall be requested from at least three (3) firms. Selection will then be made according to subsection (6) "Selection."

- (5) *Detailed proposals.* Firms submitting detailed proposals shall provide the following information:
- a. Name of firm principal.
 - b. Name of project supervisor (licensed engineer, architect, or land surveyor).
 - c. Ability of firm to meet time schedules.
 - d. Description of how project will be conducted.
 - e. Cost of services.
 - f. For various levels of the disciplines offered, the position, hourly rate, salary cost multiplier, overhead and profit multiplier.
 - g. Outside consultants and associates usually retained.
 - h. List of completed projects on which the firm was principal engineer.
 - i. Current projects underway and estimated cost of each.
 - j. Data-gathering methods (if appropriate).
 - k. Evaluation techniques (if appropriate).
- (6) *Selection.*
- a. Three (3) written proposals should be secured when possible. Proposals may be solicited by mail or telephone. The selection committee shall review the proposals, interview the prospective consultant, if desirable, and make a recommendation or selection in accordance with subsection (6)b. "Class of Service" below.
 - b. Class of service. Projects will be divided into two (2) classes as follows:
 - i. Class A. Services for projects where fees will exceed ten thousand dollars (\$10,000.00). The selection committee's recommendation shall be presented to the board of aldermen for approval or rejection. The board has the right to approve or reject any and all proposals.
 - ii. Class B. Services for projects which are provided for in the approved city budget and where fees will be less than ten thousand dollars (\$10,000.00). The selection committee shall have full authority to select the consultant.
- (7) *Prohibition against contingent fees.*
- a. Each contract entered into by the board of aldermen for professional services shall contain a prohibition against contingent fees as follows:

"The architect, engineer, or land surveyor (as applicable) warrants that he has not employed or retained any company or person, other than a bona fide employee working solely for the architect, engineer, or land surveyor, to solicit or secure any fees, commission, percentage, gift, or any other consideration, contingent upon or resulting from the award or making of this agreement."
 - b. For the breach or violation of the foregoing provision, the board of aldermen shall have the right to terminate the agreement without liability and at its discretion to deduct from the contract price, or otherwise recover the full amount of such fee, commission, percentage, gift, or consideration.

Open purchase orders Open purchase orders are for long-term contracts for goods or services awarded after receiving competitive bids. The purchase order remains open for a period of up to one (1) year to purchase the goods or services specified on an "as needed" basis. Examples of open purchase orders include construction materials such as rock, concrete, and asphalt, trees and other landscaping materials, automotive supplies such as tires and batteries, hardware, and office supplies frequently or routinely utilized by the city and for which the initiation of competitive shopping each time for the goods or services required would become cumbersome and inefficient.

- (e) *Emergency purchases.* The bid procedures outlined in this manual may be waived under emergency conditions when a delay may threaten the basic mission of a department. True emergency conditions are rare. Occasionally, equipment will require emergency repairs, or other circumstances will necessitate emergency purchasing which cannot await compliance with these regulations. Authorizing officers faced with an emergency shall notify the director of finance or city administrator as quickly as possible for approval to proceed. A full report in writing of the circumstances requiring an emergency purchase shall be filed by the director of finance with the city administrator within two (2) working days after the emergency. The city administrator shall pass this report on to the board of aldermen without unnecessary delay.
 - (f) *Petty cash accounts.* Very often, there is a need for immediate availability of funds. Petty cash funds should be used to avoid the time and expense of issuing purchase orders for items totaling fifty dollars (\$50.00) or less. Petty cash receipts shall be completed by the person responsible for the fund in each department; these should include the amount, description of item, budget account number, and signatures of the persons receiving the funds, and the person issuing the funds. Each individual receipt shall be summarized on the petty cash reimbursement request form. A check shall then be prepared, made payable to the individual responsible for the particular department's petty cash, and it shall be that person's responsibility to cash the check and assure that the funds are placed into the departmental petty cash fund. The finance department shall conduct unannounced audits of petty cash funds to assure that monies are being accounted for properly. The use of petty cash funds for personal use, even for very short periods of time, is contrary to city policy and grounds for termination.
 - (g) *Purchase of used equipment.* New equipment is to be preferred to used equipment. However, there are situations where the purchase of used equipment may be considered. These include:
 - (1) Where equipment will be used infrequently, for a limited time, for training or auxiliary operations.
 - (2) When quick delivery is essential.
 - (3) It can be determined that the used equipment is comparable to new equipment.
- The purchase of used equipment requires careful shopping and the requisitioning department should make every effort to secure a minimum warranty or guarantee that the equipment will perform as needed and that service or replacement parts are reasonably available.
- (h) *Purchase of technology items.* Due to the nature of compatibility with networked computer systems, it is imperative that all purchases related to computer hardware, software (to include upgrades) and peripheral devices receive review and authorization by the director of MIS prior to the acquisition of the software or equipment.
 - (i) *Subdividing prohibited.* No contract or purchase shall be subdivided to avoid the requirements of this division.
 - (j)

Authority of board of aldermen to waive procedural requirements. The board of aldermen in its sole and absolute discretion may waive any and all aforementioned procedural requirements.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Sec. 2-126. - Disposal of surplus goods.

- (a) Goods become obsolete or they wear out. Occasionally, it turns out they are over-stocked. Changing technology, accumulation of "waste," and fulfillment of the "useful" life of goods make the activity of handling surplus inevitable.
- (b) The city is interested in full realization of the value of goods it purchases.
- (c) The city policy is aimed at making sure all surpluses are disposed of to the economic advantage of the city.
- (d) All departments shall submit to the city administrator, at such time and in such form as the city administrator shall prescribe, reports showing stocks of goods which are no longer used or which have become obsolete, worn out, or scrapped. The city administrator is authorized to transfer the surplus stock to other departments.
- (e) The city administrator is authorized to sell all goods having an estimated value of less than five thousand dollars (\$5,000.00) which have become unsuitable for public use, or to exchange the same for, or trade in the same, on new goods. Sales shall be made to the highest possible bidder.
- (f) The disposal of all goods having a current value estimated to be in excess of five thousand dollars (\$5,000.00) requires the approval of the board of aldermen. Unless determined otherwise by the city administrator, competitive bidding on surplus, obsolete, or unusable goods having this value is required. This may be achieved through sealed bids, auction, or open market sales. Bidders shall be required to submit a ten-percent cash bond or a minimum of one hundred dollars (\$100.00), whichever is greater, in the form of a cashier's check or money order payable to the City of Crestwood in order for their bid to be considered.

(Ord. No. 3834, § 2(Exh. A), 5-25-04)

Secs. 2-127—2-140. - Reserved.

ARTICLE V. - EMPLOYEES GENERALLY

Sec. 2-141. - Employment of relatives and conflicts of interest.

- (a) No person shall be offered employment by the city or appointed to any office of the city (including any appointment made for the purpose of filling a vacancy for elective office) who is related as husband, wife, brother, sister, mother, father, son, daughter, son-in-law, daughter-in-law, brother-in-law, or sister-in-law of any person then holding a city elective office.
- (b) This section shall not be construed to terminate or otherwise limit the continued employment of any employee of the city or appointed official of the city who holds such employment or office immediately prior to the time his relative of the degree described in subsection (a) of this section is duly elected, or appointed, and is sworn into his elected or appointed office. This section also shall not be construed to prohibit or otherwise limit the city, solely due to the relationship between any employee or appointed official and any such relative then holding a city elective office, from considering for promotion or advancement or from promoting or advancing such employee or appointed official in accordance with the city's standard policies and normal procedures.
- (c)

The city permits family members (parent, spouse, child, sibling, grandparent, grandchild, aunt, uncle, cousin, in-law or step relative) to work for the city. The city will not, however, consider, accept or allow employment of a family member whose employment would result in a supervisor/subordinate relationship or possible conflict of interest.

- (d) Due to the potential for conflicts of interest, negative employee morale, and appearance of favoritism, the city will not permit or allow a dating or romantic relationship between a supervisor/subordinate, between department heads or between the city administrator and any other employee.

(Ord. No. 96, §§ 1—3, 1-8-52; Code 1965, § 4.20; Ord. No. 4048, § 1, 4-10-07)

Sec. 2-142. - Leaves of absence.

- (a) The board of aldermen shall, in the case of persons entering military service, and in other cases for good cause may, by resolution, grant leaves of absence not exceeding ninety (90) days to elected or appointive officials of the city, either with or without continuance of compensation. If compensation is granted and the officer is indebted to the city in any manner, the compensation shall first be applied to the reduction or discharge of such indebtedness.
- (b) If the officer granted a leave of absence does not resume his duties at the expiration of the time for which the leave was granted, the office shall be declared vacant. In case a person enters military service, the board of aldermen may by further resolution grant an extension of leave for a period not exceeding thirty (30) days, either with or without continuance of compensation.
- (c) All resolutions of the board of aldermen granting leaves of absence as herein provided shall designate who shall perform the duties of the officer on leave.

(Ord. No. 52, §§ 1—3, 8-8-50; Code 1965, § 4.21)

Sec. 2-143. - Insurance benefits generally.

It shall be the policy of the city to provide workers' compensation, health, accident and salary continuation insurance and other benefits to the best of its ability for the protection of the employees and for their welfare and security and as an inducement for employees, present and future, to remain in the employ of the city. The provisions of ordinances fixing salaries of employees shall be deemed to be in addition to all provisions made by the city for insurance and benefits as above set forth on which the city pays the premiums or dues.

(Ord. No. 768, § 1, 2, 4-23-63; Code 1965, § 4.24)

State Law reference— Workers' compensation, RSMo Ch. 287.

Sec. 2-144. - Workers' compensation.

The city hereby accepts the provisions of the Missouri Workers' Compensation Law, pursuant to the provisions of section 287.030, RSMo. The mayor is hereby authorized and directed to execute and file with the division of workers' compensation of the state department of labor and industrial relations, its Form 67, entitled: "Exempted Employer's Acceptance of Law." The mayor is hereby authorized and directed to make arrangements by contract with a licensed insurance company, for a standard policy of workers' compensation insurance, to be effective at the time of the acceptance of the Act is effective with the division of workers' compensation.

(Ord. No. 163, §§ 1—3, 3-9-54; Code 1965, § 4.23)

Sec. 2-145. - Tenure of office.

- (a) *Personnel covered.* The provisions of this section apply to all full-time salaried appointive officials of the city and to all full-time salaried employees, except, in both cases, those that may be specifically employed for a limited period of time or for specific purposes which are of a temporary or nonpermanent nature, and also except those officials, employees, agents and other persons employed or appointed under contract.
- (b) *Appointive officials.* Appointive officials appointed by the mayor with the approval of the board of aldermen and nonelective full-time officials appointed by the board of aldermen shall hold office until their successors are appointed and have qualified.
- (c) *Salaried employees.* Full-time salaried employees of the city, however appointed, shall be deemed employed for an indefinite period during good behavior and while able to perform the duties assigned to them.
- (d) *Offices abolished.* In the event any office or employment is abolished, the board of aldermen hereby declares it to be the policy of the city to make an effort to provide the affected appointive officials or employees with other employment of a similar capacity and a suitable nature, if available.
- (e) *Employment policy.* It is the policy of the city with respect to those appointive and full-time officials and full-time salaried employees who depend for their livelihood upon their compensation from the city, to assure such persons of permanency in their employment, as nearly as possible to that which might be experienced in private employment, to the extent possible in the best interests of the city as may be determined by the board of aldermen.
- (f) *Terms concurrent with mayor.* Appointive officials and employees affected by this section whose terms are designated to run with that of the mayor shall be deemed to be appointed for indefinite terms and must be removed from office or employment before a successor may be appointed.

(Ord. No. 52 1, §§ 1—6, 5-12-59; Code 1965, § 4.19)

Sec. 2-146. - Family and emergency medical leave.

In accordance with the Family and Medical Leave Act of 1993 and as recorded in section 2-146 of the City's Municipal Code, the City of Crestwood adopts the following policy:

- (1) *Definition.* A *family or medical leave of absence* is defined as an approved absence available to eligible employees under certain circumstances for consecutive or intermittent periods of up to twelve (12) weeks in any twelve-month period. [NOTE: The "rolling" year is described in subsection (4) below.].
- (2) Circumstances under which leave may be taken include:
 - a. The birth of a child.
 - b. The placement of a child with the employee for adoption or foster care.
 - c. Situations where an employee is needed to care for a child, spouse, or parent who has a serious health condition.
 - d. An employee's serious health condition which prevents him from performing the essential functions of his job.
 - e. Military Family Leave Section 585(a):
 - 1. *Military care giver leave.* Eligible employees who are the spouse, son, daughter, parent or next of kin of a covered service member with a serious illness or injury incurred in the line of duty on active duty, will be able to take up to twenty-six (26) work weeks of leave

in a single twelve-month period.

2. *Qualifying exigency leave.* Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their twelve-week leave entitlement to address certain "qualifying exigencies." The specified qualifying exigencies are:

- (1) Short-notice deployment—Seven (7) or fewer days before deployment;
- (2) Military events and related activities;
- (3) Childcare and school activities;
- (4) Financial and legal arrangements;
- (5) Counseling;
- (6) To spend time with the military member during rest and recuperation leave for up to five (5) work days;
- (7) Post-deployment activities for ninety (90) days following the military member's return; and
- (8) Additional activities not encompassed in the other categories, but agreed to by the employer and employee.

- (3) *Definition of a serious health condition.* A serious health condition is defined as an illness, injury, impairment, or physical or mental conditions that involve:
 - a. Inpatient care in a hospital, hospice, or residential medical care facility;
 - b. Absence from work for more than three (3) consecutive full calendar days, that also involves continuing treatment by a health care provider (i) two (2) or more times or (2) once, followed by a regimen of continued treatment; or
 - c. Treatment by a health care provider for a chronic or long-term health condition that if not treated, would likely result in a period of absence from work for more than three (3) full calendar days, and for prenatal care.

Under the multiple-visit prong, the two (2) visits must occur within thirty (30) days of the beginning of the period of incapacity and the first visit must take place within seven (7) days of the first day of incapacity.

- (4) *Eligibility.* Federal law governs which employees may be eligible for family or medical leave and provides certain conditions or limitations.

To qualify for leave under this policy, an employee (including a part-time employee) must:

- a. Have been employed by the city for at least twelve (12) months; and
- b. Have worked at least one thousand two hundred fifty (1,250) hours during the twelve-month period prior to the commencement of the requested leave.

Portions of this policy may not apply to certain key executive and key administrative employees. Please check with the city administrator or his approved designee to determine whether you are eligible.

An eligible employee is only entitled to a total of twelve (12) weeks leave in any given twelve-month period regardless of qualifying conditions that may arise in any twelve-month period, except for military caregiver leave.

A husband and wife who are both employed by the city are only entitled to a combined total of twelve (12) weeks of leave for the birth or placement of a child or for the care of a sick parent. Married employees will receive twelve (12) weeks each of leave for their own serious illness, or to care for a child with a serious illness.

- (5) *Use of paid leave required.* If an employee is entitled to paid leave or time off under another city policy, the employee must take all of that time off prior to taking any unpaid leave under this policy. Paid leave shall run concurrently with the otherwise unpaid FMLA leave and shall be used, beginning with sick leave (if a qualifying sick leave event); once sick leave is exhausted, compensatory time shall be used; and once compensatory time is exhausted, vacation time. When an employee has taken all available accrued paid leave, any additional leave taken under this policy will be unpaid.
- (6) *Requirements for leave—Medical certification.* The city requires medical certification if an employee requests leave due to a serious health condition or to care for a seriously ill family member.
 - a. If it is the employee's own health condition, the medical certification must include, among other things, a statement from the treating physician that the employee is unable to perform the functions of his or her position, relevant medical facts concerning the condition, when the condition began and the likely duration of the requested leave.
 - b. If leave is required to care for a family member with a serious health condition, the medical certification must include an estimate of the amount of time the employee will be needed to care for the family member. The following conditions must be met:
 - 1. The certificate must state when the health condition began;
 - 2. The treating physician's judgment concerning the probable duration of the condition; and
 - 3. Relevant medical facts concerning the health condition (such as diagnosis and course of treatment).

Under certain circumstances, the city may require a second medical opinion and a periodic reevaluation, for which the city will pay. If the medical certification provided by the employee and the second opinion differ, the city may require that a third opinion be obtained, which will also be paid for by the city.

- (7) *Benefits during leave of absence.* Employees taking family and medical leave under this policy are eligible to continue coverage under the city's existing group health plan for the duration of the leave under normal conditions and requirements. If an employee does not return to work after the completion of approved leave, the employee will be required to reimburse the city for premiums paid to maintain the employee's group health coverage unless the failure to return to work was for reasons beyond the employee's control. Use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of the leave.
- (8) *Return to active employment.* The city requires that the employee provide a "fitness-for-duty" certification that he is able to return to work. The certification must address the employee's ability to perform the essential functions of his job. Also, where reasonable job safety concerns exist, the city requires a fitness-for-duty certification before an employee may return to work when the employee takes intermittent leave. Upon return from approved family and medical leave, most employees will be returned to his previous position if possible, or an equivalent position if his previous position is no longer available.

- (9) *Intermittent leave schedule.* Leave may be taken on a continuing or intermittent basis if medically necessary for a serious health condition of the employee or a family member or for qualifying exigencies. If leave is requested on a sporadic schedule or intermittent basis due to planned medical treatment, the city may require the employee to transfer temporarily to a different, equivalent position to permit the city to adjust to recurring periods of absence or a part-time schedule. For birth, adoption or foster care of a child, intermittent leave or a reduced work schedule must be requested by the employee and approved by the department head. The city may require that FMLA leave be taken in increments of one (1) hour. [NOTE: The new regulations only allow transfer when the leave is for planned medical treatment.]
- (10) *Notification and reporting.*
- a. When the need for leave is foreseeable (such as the birth, adoption or placement of a child and in cases of planned medical treatment), the employee must notify the city at least thirty (30) days in advance of the requested leave, by written notice to the employee's department head. Within five (5) business days of receiving the employee's notice of the need for FMLA leave, the city will provide the employee with an "eligibility notice" and, if the employee is eligible, a "notice of rights and responsibilities". The eligibility notice tells the employee whether or not he had met the minimum qualifications for FMLA eligibility, and if not, at least one (1) reason. The rights and responsibilities notice informs the employee of his rights and obligations under the Act.
 - b. Within five (5) business days of obtaining sufficient information to determine whether the employee is entitled to FMLA leave (often after the employee provides a complete and sufficient medical certification), the city will provide a written "designation notice". This will inform the employee whether his requested leave will be designated as FMLA qualifying.
 - c. When the need for leave is not foreseeable, notice must be given in person (or by telephone in cases of medical emergencies) and may be given by the employee's spouse or other representative only if the employee is unable to do so.
 - d. When thirty (30) days' advance notice is not possible, notice must be given as soon as practicable after the employee learns of the need for the leave.
 - e. When planning medical treatment, the employee should consult with his department head and supervisor when giving notice and shall make reasonable efforts to schedule the leave so as not to unduly disrupt the city's operations.
 - f. Employees must also notify the city if the requested leave is for a reason for which FMLA leave was previously taken or certified.
- (11) *Legal requirements.* FMLA makes it unlawful for any employer to: (a) interfere with, restrain, or deny the exercise of any right provided under FMLA; and (b) discharge or discriminate against any person for opposing any practice made unlawful by FMLA or for involvement in any proceeding under or relating to FMLA. An employee may file a complaint with the U.S. Department of Labor or may bring a private lawsuit against an employer. FMLA does not affect any Federal or state law prohibiting discrimination, or supersede any State or local law or collective bargaining agreement which provides greater family or medical leave rights.

Editor's note— Ord. No. 4203, § 1(Exh. A), adopted Oct. 13, 2009, deleted former § 2-146, and enacted a new § 2-146 as set out herein. Former § 2-146 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 2-147. - Collective bargaining.

- (a) The city has a framework for collective bargaining, set forth in subsections (b) through (q) of this section, and this framework applies to certain regular employees of the city holding certain eligible positions ("eligible employees").
- (b) When collective bargaining with a labor organization is necessary, the mayor with the approval of the board of aldermen will appoint a team ("team") for the purposes of collective bargaining and the team will be the exclusive agent for the city for collective bargaining negotiations. Provided, however, the team may only tentatively agree to negotiated terms during collective bargaining and no agreement or memorandum of understanding negotiated between a labor organization and the team shall be binding on the city unless finally approved by ordinance or resolution by the board of aldermen.
- (c) As provided for by ordinance, the city voluntarily recognizes certain labor organizations as being the sole collective bargaining representative for certain bargaining units, as such labor organizations were already representing such bargaining units prior to the city's adoption of these collective bargaining procedures.
- (d) If there is not a procedure established by existing law, with the exception of the labor organizations specifically listed and recognized by special ordinance, the city will not recognize any organization, association, employee group, union, professional group, or otherwise ("labor organization") as a collective bargaining unit of any eligible employees of the city unless there is:
 - (1) A presentation by the labor organization of the adequacy of their representation by verifiable evidence and the appropriateness of the requested bargaining unit as set forth in subsection (e) of this section; and
 - (2) An election determining and verifying whether the majority of the voting eligible employees in the bargaining unit want to be represented by the labor organization for the purposes of collective bargaining as set forth in subsection (g) of this section.
- (e) For a labor organization to show the adequacy of their representation by verifiable evidence and the appropriateness of the requested bargaining unit of eligible employees, the following must occur:
 - (1) The labor organization must submit a written request for representative status containing (i) a specific written description of the bargaining unit sought, (ii) any proposed specific exclusions to the bargaining unit, and (iii) verifiable evidence in the form of a petition, or cards, containing verifiable signatures from the eligible employees showing that no fewer than fifty (50) percent of the eligible employees of the proposed bargaining unit seek to be represented by the labor organization (collectively "unit description") to the city administrator via certified mail addressed to the city administrator.
 - (2) Within thirty (30) days of receipt of the unit description, the mayor will appoint a committee of three (3) members of the board of aldermen to consider the adequacy of the evidence of representation presented by the labor organization and the appropriateness of the requested bargaining unit.
 - (3) Within thirty (30) days of being appointed, the committee will determine whether sufficient information has been presented by the unit description to determine the adequacy of the evidence of the labor organization's representation.

- (4) If the committee finds that sufficient information has not been presented for a determination of the adequacy of the evidence of representation, the committee will send the unit description back to the labor organization for further specificity and request that the labor organization present additional information within thirty (30) calendar days.
 - (5) Once, and if, the committee finds that sufficient information has been presented by the unit description for a determination of the adequacy of the evidence of representation, the committee, in consultation with the city attorney, will recommend that the board of aldermen either:
 - i. Reject the evidence of representation and deny the request;
 - ii. Reject the bargaining unit as being inappropriate with specific written reasons for the rejection; or
 - (6) Accept the adequacy of the evidence of representation, agree to the bargaining unit, and proceed with an election as set forth in subsection (3) of this section.
- (f) In evaluating the adequacy of the evidence of representation and the appropriateness of the proposed bargaining unit under subsection (e) of this section, the committee and the board of aldermen may consider, but are not bound by, precedent from other cities, other states, or under the National Labor Relations Act. The board of aldermen's decision with respect to the adequacy of the evidence of representation and the appropriateness of the bargaining unit will be final and binding.
- (g) If under subsection (e) of this section the board of aldermen accepts the adequacy of the evidence of representation of the labor organization and the appropriateness of the bargaining unit, the representative status of the labor organization will be determined as follows:
- (1) Within sixty (60) days of the board of aldermen's acceptance, the city will hold a secret ballot election to determine whether the majority of the voting eligible employees in the proposed bargaining unit desire to be represented by the labor organization for purposes of collective bargaining. No labor organization which has not been previously recognized by the city by means of voluntary recognition or Missouri State Board of Mediation procedures will be recognized as representing any eligible employee by any other means.
 - (2) The election will be held by secret ballot. The secret ballot will be on a form substantially similar to the form utilized by the National Labor Relations Board for conducting union elections. Any labor organization that seeks to represent the proposed bargaining unit and that can provide verifiable evidence that it represents at least fifty (50) percent of the eligible employees of the proposed bargaining unit will be included on the secret ballot.
 - (3) The election will be conducted by either the Federal Mediation and Conciliation Service or the Missouri Department of Labor (or their designee). In the event that both the Federal Mediation and Conciliation Service and the Missouri Department of Labor decline to conduct the election, the city administrator will select an arbitrator to conduct the election by requesting a panel of five (5) arbitrators from the Federal Mediation and Conciliation Service and then selecting one (1) of the arbitrators from the list to conduct the election.
 - (4) After the election has concluded, the person conducting the election will immediately and publicly count the ballots and issue a report on election ("report on election") indicating how many ballots were cast for representation by the labor organization and how many votes were cast against representation.
 - (5)

Any disputes concerning the election must be referred for decision to the city administrator for consideration within seven (7) calendar days of the date of the election. The decision of the city administrator on such disputes will be final and binding.

- (6) If there is no dispute concerning the election, then the results of the election will become final seven (7) days after the report on election is issued.
- (7) After the results of the election become final, if a majority of the voting eligible employees of the bargaining unit voted to be represented by the labor organization, the city will consider the labor organization as representing the eligible employees of the bargaining unit ("member").
- (h) No labor organization, recognized or otherwise, may seek to represent any single bargaining unit (or portion of any bargaining unit) by secret ballot more than once in any consecutive, 12-month period.
- (i) In the event that the majority of voting members of the bargaining unit vote to be represented by the labor organization for purposes of collective bargaining, the city's team will meet with the labor organization to confer and discuss wages, benefits and other terms and conditions of employment with the goal of reaching a mutually satisfactory proposed collective bargaining agreement to be submitted to the board of aldermen for approval.
- (j) The labor organization recognized by the city as representatives of any bargaining unit will be recognized by the city as the sole and exclusive collective bargaining representative for the purpose of collective bargaining on matters relating to wages, hours, and other terms and conditions of employment of the members in the recognized bargaining unit.
- (k) The city is committed to participating in good faith negotiations with any recognized labor organization representing any recognized bargaining unit and will abide by a collective bargaining agreement, in both letter and spirit, should one (1) be signed by the board of aldermen and the labor organization and be ratified by the bargaining unit. Notwithstanding, and as set forth by the Missouri Supreme Court, the obligation to collectively bargain in good faith does not require that an agreement be reached or that a concession be made.
- (l) If the city and the labor organization reach an agreement on a proposed memorandum of understanding, the proposed agreement will be submitted to the board of aldermen for consideration. At that meeting, the board of aldermen will approve, reject, or hold the proposed memorandum of understanding open for further discussion.
- (m) The decision of the board of aldermen with regard to approving or rejecting a proposed memorandum of understanding will be final and binding. A memorandum of understanding that has been signed and ratified will have a finite duration within the terms of the agreement.
- (n) If after substantial negotiations the city's negotiating team and the labor organization are unable to reach agreement as to certain open items for which there has been no tentative agreement, and if there is not a procedure established by existing law or in an existing memorandum of understanding to address such an impasse, the city and the labor organization shall meet with the assistance of a mediator with the intent of said mediation being to resolve the impasse items. The mediator will either be mutually selected to by the parties or, if the parties are unable to agree on a mediator, shall be appointed by the Federal Mediation and Conciliation Service (FMCS). The mediator's compensation shall be divided equally between the city and the labor organization. If the labor organization is unwilling to agree in advance to pay for one-half (½) of the mediator's fee, then the city shall have no obligation to submit the open items to a mediator. In advance of such mediation and in order to facilitate open dialogue during such mediation, the city and the labor organization shall agree that the negotiating positions taken by their respective representatives at such mediation shall not be

disclosed outside of the mediation sessions. If after such mediation the city's negotiating team and the labor organization cannot reach an agreement on the terms of a proposed memorandum of understanding, the city's negotiating team may unilaterally submit its proposed memorandum of understanding to the board of aldermen for consideration as set forth above.

- (o) If there is not a procedure established by existing law, in the event that the majority of the members in a designated bargaining unit determine that they no longer wish to be represented by a recognized labor organization, they may revoke their designation of the labor organization by tendering a signed and dated petition for revocation to the city administrator. Upon receipt of such a petition, the mayor will appoint a committee of three (3) members of the board of aldermen to consider the adequacy of the petition. If the committee determines that the petition to revoke representation is authentic and is signed by a majority of the members in a designated bargaining unit, the committee will so report to the mayor and board of aldermen and the question of whether to revoke recognition of the labor organization as the bargaining representative of the employees in the bargaining unit shall be submitted to the board of aldermen.
- (p) In accordance with RSMo 105.530, strikes and other unlawful conduct by any city employee, whether individually or in concert with others, including sympathy or wildcat strikes, sit downs, slow downs, and work stoppages, are prohibited.
- (q) Nothing in this section shall be construed to affect or supersede the authority of the Missouri State Board of Mediation.

(Ord. No. 4509, § 1, 11-25-14)

Secs. 2-148—2-160. - Reserved.

ARTICLE VI. - RETIREMENT GENERALLY

DIVISION 1. - GENERALLY

Sec. 2-161. - Social Security.

- (a) *Coverage.* It is hereby declared to be the policy and purpose of the city to extend to all eligible employees and officials of the city, who are not excluded by law or by this section, and whether employed in connection with a governmental or proprietary function of the city, the benefits of the system of federal old-age and survivors insurance as authorized by the Social Security Act Amendments of 1950, and by the Senate Committee Substitute for Senate Bill No. 3 of the sixty-sixth General Assembly of the state and amendments thereof, as the same may be now and hereafter in effect.
- (b) *Plan and agreements.* The mayor and city clerk/collector are hereby authorized and directed, on behalf of the city, to prepare, execute and submit to the office of administration, division of accounting of the state, as state agency, a plan and agreement for extending said benefits to said eligible employees and officials of the city, in the form prepared by the state agency and hereby approved and adopted by the board of aldermen, which plan and agreement are to become effective upon approval thereof by the state agency, and are further authorized and directed to execute agreements and modifications and amendments thereof with said state agency, providing for the extension of said benefits to said employees and officials as set forth in said plan and agreement, as provided for in this section, said plan and agreement to provide that said extension of benefits is to be effective on January 1, 1961.
- (c)

Deductions from pay. There shall be deducted from the wages of all employees and officials of the city, to whom the benefits of said system of federal old-age and survivors insurance are extended, by virtue of the plan and agreement hereinbefore provided for, the amount of each of said employees' and officials' contributions, as determined by the applicable state and federal laws and by said plan and agreement, the aggregate amount of said deductions to be paid into the contributions fund created by Senate Committee Substitute for Senate Bill No. 3 of the sixty-sixth General Assembly of the state.

- (d) *City contributions.* There is hereby authorized to be appropriated from the general fund of the city, and there is, and shall be, appropriated the sum or sums of money necessary to pay the contributions of the city, which shall be due and payable by virtue of the extension of the benefits of the federal old-age and survivors insurance system to the eligible employees and officials of the city, said sum or sums of money to be paid into the contribution fund created by Senate Committee Substitute for Senate Bill No. 3 of the sixty-sixth General Assembly of the state. The fund from which said appropriation is made will, at all times, be sufficient to pay the contributions of the city by this section directed to be paid to the contributions fund.
- (e) *Records.* The city shall fully comply with, and shall keep such records, make such reports and provide such methods of administration of said plan and agreement as may be required by all applicable state and federal laws, rules and regulations, with respect to the extension of the benefits of the federal old-age and survivors insurance system to the employees and officials of this city. For the purpose of administering said plan and agreement the city clerk/collector shall be the official who shall make all required reports, keep all records and be responsible for the administration of said plan and agreement on behalf of this city.

(Ord. No. 632, §§ 1—5, 12-27-60; Code 1965, § 4.22)

State Law reference— Old-age and survivors insurance, RSMo 105.300 et seq.

Sec. 2-162. - Health insurance.

City employees with at least fifteen (15) years of service who have reached the normal retirement age (currently age fifty-five (55) for sworn police and fire personnel and age sixty (60) for all other employees of the city) as defined by LAGERS will be eligible for health insurance coverage to be provided by the city until such employees are qualified for Medicare or they reach age sixty-five (65), whichever comes first. The city shall pay a portion of such health insurance premium in an amount equal to the amount which is being paid by the city for single coverage for then-current city employees. Notwithstanding any other provision to the contrary, no employee shall be entitled to such coverage for more than one hundred twenty (120) months for sworn police and fire personnel or sixty (60) months for all other employees of the city.

(Ord. No. 3452, § 1, 3-11-97)

Secs. 2-163—2-170. - Reserved.

DIVISION 2. - STATE RETIREMENT SYSTEM

Sec. 2-171. - Coverage.

The city, a municipal corporation and political subdivision of the State of Missouri, hereby elects to become an employer and cover all of its municipal employees under the provisions of the Missouri Local Government Employees Retirement System (LAGERS).

(Ord. No. 4183, § 1, 4-14-09)

Editor's note— Ord. No. 4183, § 1, adopted Apr. 14, 2009, repealed former § 2-171, and enacted a new § 2-171 as set out herein. The former § 2-171 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 2-172. - Contributions from employees.

The city elects to require no contributions from covered employees in accordance with the provisions of RSMo 70.705 and 70.730.

(Ord. No. 1937, § 1, 10-25-83)

Sec. 2-173. - Employer's contribution.

The city finance officer/treasurer shall pay the employer's contribution to the pension system, as shall be required by its board of trustees.

(Ord. No. 1060, § 3, 5-28-68)

Sec. 2-174. - Retirement age.

The mandatory retirement age for any employee of the city coming under the provisions of this division shall be seventy (70) years.

(Ord. No. 1060, § 2, 5-28-68; Ord. No. 1756, § 1, 9-18-79)

Secs. 2-175—2-207. - Reserved.

Editor's note— Ord. No. 4184, § 1, adopted Apr. 14, 2009, repealed Art. VII, §§ 2-191-2-207, which pertained to police and fire pensions. See the Code Comparative Table for complete derivation.

Chapter 3 - AIR POLLUTION^[1]

(RESERVED)

Footnotes:

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Editor's note—*The provisions of this chapter are in the process of revision.*

Cross reference—*Fire prevention and protection, Ch. 9; health, Ch. 12; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14.*

State Law reference—*Air pollution control by cities, RSMo 203.140; unlawful air pollution, RSMo 203.151.*

Chapter 4 - ALARM SYSTEMS^[1]

Footnotes:

--- (1) ---

Cross reference—*Fire prevention and protection, Ch. 9; licenses and business regulations, Ch. 13.*

Sec. 4-1. - Definitions.

For the purpose of this chapter, the following words shall have the meanings respectively ascribed to them:

Alarm equipment supplier: Any person, firm or corporation that sells, leases and/or installs emergency alarm systems in the City of Crestwood.

Alarm user: The resident or commercial establishment protected by an emergency alarm system.

Automatic dialing device: Any device which, when actuated by a criminal act, fire, unauthorized intrusion or other emergency, activates a local noise-making device or transmits a pre-recorded message or other signal by telephone, radio or other means to a central station, modified central station, license answering service or directly to the communications center of the Crestwood police department and/or South County Fire Alarm.

Director: The city administrator or his authorized representative.

Dispatching authority: The Crestwood police department and/or South County Fire Alarm.

False alarm: An emergency alarm which is actuated by inadvertence, negligence or unintentional act to which the Crestwood fire or police department responds, including alarms caused by the malfunction of the alarm system, except that the following shall not be considered false alarms:

- (1) Alarms caused by the malfunction of the indicator in the Crestwood police department;
- (2) Alarms caused by the testing or repair of telephone equipment or lines;
- (3) Alarms caused by an act of God such as earthquakes, flood, windstorm, thunder or lighting;
- (4) Alarms caused by an attempted illegal entry, of which there is visible evidence;
- (5) Alarms intentional caused by the alarm user acting under a sincere belief that a need exists to call the police or fire department;
- (6) When prior notification of said testing or repair has been given to the city dispatching authority.

In determining the existence of the false alarms, a decision shall be made in favor of the alarm user, if the fire chief or chief of police, as applicable, finds that a doubt exists as to the cause of the alarm.

(Code 1965, § 54.01; Ord. No. 1592, § 2, 1-27-76)

Sec. 4-2. - Alarm equipment suppliers.

- (a) *Application for license.* Each alarm equipment supplier engaged in selling, leasing or installing emergency alarm systems in Crestwood shall apply to the director for the license on a form to be provided by him. Any person who desires to become an alarm equipment supplier serving residents of Crestwood shall first apply to the director for a license on a form to be provided by him, and shall include among other things the following:
- (1) Name, address, telephone number and type of business organization. If a partnership, the names and addresses of the partners. If a corporation, the names and addresses of the principal officers and the state of incorporation;
 - (2) A statement that such firm and its employees are licensed and bonded in compliance with the applicable ordinances of the county;
 - (3) A list of the names and addresses of persons for whom installations in the city have been made by the applicant in Crestwood prior to the effective date of this chapter;
 - (4)

Certification by the applicant that police record checks have been initiated on all employees in the office or offices serving the city, and that no person convicted of an offense (other than for minor traffic offenses) found in such check will be employed on jobs within the city;

- (5) A statement of the type and availability of repair and/or maintenance service that the applicant proposes to offer to the public;
 - (6) A statement of the security to be afforded by the applicant for the wiring diagrams and/or other security plans of installations made or to be made; and
 - (7) A statement that the applicant is willing to comply with such reasonable rules and regulations about details of installation and operation of such systems as may be issued by the director.
- (b) *Action on application.* The director shall furnish a copy of the application to the chief of police for his investigation and recommendation. On the basis of the application and the report of the chief of police, the director shall, within sixty (60) days after receipt of the completed application, approve or disapprove such application for a license, and shall notify the applicant. If approved, the applicant shall pay the required fee for the license. If disapproved, the notice to the applicant shall state the reasons. The applicant shall have the right of appeal by the following steps:
- (1) A meeting with the director and the chairmen of the fire board and police board; and
 - (2) If not satisfactorily concluded, then by hearing before the board of aldermen at its next regular meeting. The decision of the board of aldermen will be final.
- (c) *Instructions on operation.* Each alarm equipment supplier who sells or leases and installs an emergency alarm system in the city shall furnish the alarm user with written instructions as to the way in which the device operates. He shall also provide initial training on the operation of the system, and, upon request from the alarm user, refresher training. Each alarm equipment supplier shall also exhibit to the director, for his review, a copy of such instructions. If the director finds that the instructions are incomplete, unclear or otherwise inadequate, he may require the alarm equipment supplier to have the same revised to meet the director's approval and then promptly distributed to persons for whom installations of such alarms have already been made, as well as to persons for whom installations are henceforth made.
- (d) *Repair service required.* Each alarm equipment supplier that sells or leases, and installs an emergency alarm system within the city must offer service, directly or through an agent, to repair such alarm so as to correct any malfunction that may occur. At the time of installation, each alarm equipment supplier shall furnish to the alarm user written information as how service can be obtained at any time, including the telephone number to call for service; and the alarm user shall be responsible for having the system repaired as quickly as possible after he learns of any malfunction. No alarm equipment supplier shall perform any service on any alarm system allowed to terminate in the Crestwood police department and/or South County Fire Alarm, without first personally appearing and notifying the dispatching authority, as applicable, of same, and disconnecting said alarm system at the alarm user's end and again notifying the dispatching agency of the completion of the work. If any alarm system service company shall fail to check in with the Crestwood police department before servicing such system, or shall fail to disconnect such system so that it is no longer in service during the period when it is being worked on, such alarm service company shall pay to the city service charges in the amounts and on the basis set forth in section 4-6.
- (e) *Cancellation of license.* In addition to the penalties provided for violation of any provision of this Code, the city may, after notice and hearing, cancel the license of an alarm equipment supplier on any of the following grounds:

- (1) Fraud, misrepresentation or false statement contained in any application for such license;
- (2) Fraud, misrepresentation or false statement in the conduct of the business authorized by such license;
- (3) Failure to correct any deficiencies in equipment or operation after receipt of due notice from the city; or
- (4) Violation of any provision of this chapter.

Said licenses shall not be canceled until a hearing shall have been held by the director and his recommendations regarding cancellation acted upon by the board of aldermen. Written notice of such hearing shall be served upon the holder of such license at least ten (10) days before the date of the hearing. The notice shall also contain a brief statement of the grounds alleged as the basis for cancellation of the license. The licensee shall have the right to appeal to the board of aldermen as outlined in subsection (b) of this section.

(Code 1965, § 54.02; Ord. No. 1592, § 2, 1-27-76)

Sec. 4-3. - Signaling devices; automatic dialing devices.

- (a) *Police department terminals.* Only financial institutions required by regulations of federal agencies to have appropriate security devices installed for their protection shall be permitted to have equipment and indicators installed in a panel in the communications center of the Crestwood police department.
- (b) *Automatic dialing devices.* No automatic dialing device installed after the effective date of this chapter shall be keyed to the trunk line of the Crestwood police department or South County Fire Alarm.

(Code 1965, § 54.03; Ord. No. 1592, § 2, 1-27-76)

Sec. 4-4. - Local alarms; operation.

All emergency alarm systems equipped with any exterior sound-producing device, including but not limited to gongs, buzzers, sirens, bells or horns, shall be equipped with a time device which limits the operation of such exterior sound-producing device to fifteen (15) minutes, except that commercial installations shall be allowed thirty (30) minutes.

(Code 1965, § 54.04; Ord. No. 1592, § 2, 1-27-72)

Sec. 4-5. - Emergency alarm installations.

- (a) *Permit required.* Any prospective alarm user who desires to install an emergency alarm system shall first apply for and obtain a permit from the director on a form to be provided by him. Each application shall be signed by the applicant and shall include, among other things, the following:
 - (1) The name, address and telephone number of the alarm user;
 - (2) The name of the alarm equipment supplier;
 - (3) The name of the intermediary to which the alarm system will be connected; and
 - (4) The name, address and telephone number of at least one (1) other person with access to the premises protected by the system.
- (b) *Installations by licensed suppliers.* No emergency alarm shall be installed by other than a licensed alarm equipment supplier. No alarm equipment supplier shall service emergency alarms unless such supplier is licensed.
- (c) *Operational requirements.* All emergency alarm systems shall be subject to the following operational requirements:
 - (1)

The sensory mechanism used in connection with such alarms must be adjusted to the degree reasonably possible to suppress false indications of fire or intrusion, so that alarms will not be actuated by natural phenomena, including but not limited to: Transient pressure change in water pipes, short flashes of light, wind noises or exterior pressure change such as rattling or vibration of windows or sonic booms and vehicular noise adjacent to the installation.

(2) The alarm user shall be responsible for maintaining the system in good repair to assure reliability of operation.

(3) The alarm user shall also be responsible for seeing that the system is not misused.

(Code 1965, § 54.05; Ord. No. 1592, § 2, 1-27-76; Ord. No. 1611, § 2, 5-11-76)

Sec. 4-6. - False alarm service charges.

(a) False alarms to which the fire or police departments respond shall result in the following service charges to the property owner or occupant: For the first three (3) combined false alarms to which either the fire or police departments respond in a calendar year there will be no service charge assessed to the property owner or occupant; for each subsequent false alarm to which either the fire or police departments respond in a calendar year, the property owner or occupant shall be charged a service charge in the amount of fifty dollars (\$50.00).

(b) Refusal to pay any such service charge issued by the city within thirty (30) days shall be considered a violation of this chapter and subject the property owner or occupant to the general penalty provisions of the Code.

(Ord. No. 4189, § 1, 5-26-09)

Editor's note— Ord. No. 4189, § 1, adopted May 26, 2009, repealed former § 4-6, and enacted a new § 4-6 as set out herein. The former § 4-6 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Cross reference— Fire prevention and protection, Ch. 9; police department, Ch. 20.

Sec. 4-7. - Schedule of fees.

(a) *Alarm equipment suppliers.* The fee for a license for an alarm equipment supplier shall be fifty dollars (\$50.00) for the first calendar year or part thereof. The annual renewal fee shall be ten dollars (\$10.00).

(b) *Date of assessment.* All licenses, permits and fees due to the city under the terms of this chapter shall be due and payable on the last business day of January of each year.

(Code 1965, § 54.07; Ord. No. 1592, § 2, 1-27-76)

Sec. 4-8. - Liability of city.

The city shall take every reasonable precaution to assure that alarm signals received by the city are given appropriate attention and are acted upon with dispatch. Nevertheless, the city shall not be liable for any defects in operation of automatic dialing devices and signal line systems, for any failure or neglect to respond appropriately upon receipt of an alarm from such a source nor for the failure or neglect of any persons with a license issued pursuant to this chapter. In the event that the city finds it necessary to disconnect an emergency alarm system, the city shall incur no liability by such action.

(Code 1965, § 54.08; Ord. No. 1592, § 2, 1-27-76)

Chapter 5 - ALCOHOLIC BEVERAGES^[1]

Footnotes:

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Cross reference— *Food and food establishments, Ch. 11; licenses and business regulations, Ch. 13; access to smoke-free air, § 16-58; signs, Ch. 22; taxation, Ch. 25; zoning, Ch. 26; coin-operated machine establishments, § 13-121; traffic violations defendant under influence of alcohol, § 14-4; permitting intoxicated person to operate vehicle, § 14-11; intoxicating beverages in parks, § 17-5.*

State Law reference— *Liquor Control Law, RSMo Ch. 311; nonintoxicating beer, RSMo Ch. 312; drunkenness or drinking in certain places, RSMo 574.075; public intoxication, RSMo 67.305 et seq.*

ARTICLE I. - IN GENERAL

Secs. 5-1—5-15. - Reserved.

ARTICLE II. - INTOXICATING LIQUOR

DIVISION 1. - GENERALLY

Sec. 5-16. - Definitions.

Terms used in this article have the following meanings:

Intoxicating liquor: Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented, malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes, containing in excess of three and two-tenths (3.2) percent of alcohol by weight.

Original package: As applied to malt liquors, any package containing three (3) or more standard bottles of beer.

Premises: That portion of any building in which a licensee hereunder has his place of business and any additional building or portion thereof used in connection therewith, the entire lot or lots, parcel or parcels of land on which said buildings are situated, or which are used in connection with said buildings.

Restaurant: Any place of business, the main purpose and activity of which is to serve meals, sandwiches, short orders and other food to be eaten by its customers on the premises and which does not provide or furnish to the public lodging or sleeping rooms.

(Ord. No. 53, § 1, 8-22-50; Code 1965, § 40.01)

State Law reference— Intoxicating liquor defined, RSMo 311.020; original package defined, RSMo 311.200.

Sec. 5-17. - Enforcement.

It shall be the duty of the police of the city to see that the provisions of this Code in regard to the sale of intoxicating liquor are obeyed, and to report violations to the chief of police. It shall be the duty of the chief of police to report all such infractions immediately to the board of aldermen.

(Ord. No. 53, § 5, 8-22-50; Code 1965, § 40.32)

Cross reference— Police department, Ch. 20.

Sec. 5-18. - Druggists.

This article shall not apply to the possession by a druggist of intoxicating liquor purchased by him from a licensed vendor under the Liquor Control Law of the state, or intoxicating liquor lawfully acquired and transported into the state by him pursuant to said law, such liquor to be used in connection with the business of a druggist in compounding medicines or as a solvent or preservative, nor shall this article apply to the sale of intoxicating liquors by druggists on prescription from a regularly licensed physician.

(Ord. No. 53, § 4, 8-22-50; Code 1965, § 40.10)

State Law reference— Sale of liquor by druggists, RSMo 311.470.

Sec. 5-19. - Sale of liquor authorized; sale near church, school or playground.

- (a) Pursuant to the results of an election by the qualified voters of the city on August 8, 1950, intoxicating liquor, containing alcohol in excess of five (5) percent by weight, may be sold by the drink at retail for consumption on the premises where sold in the city.
- (b) No license shall be issued for the sale of intoxicating liquors, containing alcohol in excess of five (5) percent by weight, by the drink at retail for consumption on the premises where sold if the place of sale is within three hundred (300) feet of any building used for church or school purposes or of any public playground located within the city. The above sentence shall not apply to cases where the church or school or public playground is established after the license herein has been issued, and in such cases licenses may be renewed without respect to location of the church, school or public playground except when prohibited by state law.

(Ord. No. 44, § IX, 6-27-50; Ord. No. 53, § 10, 8-22-50; Code 1965, §§ 40.02, 40.03; Ord. No. 4573, § 1, 8-25-15)

State Law reference— Sale of liquor by the drink, RSMo 311.090; sale of liquor near schools and churches, RSMo 311.080.

Sec. 5-20. - Keeping liquor not covered by license.

- (a) It shall be unlawful for any person holding a license for the sale of malt liquor containing alcohol in excess of three and two-tenths (3.2) percent of alcohol by weight and not in excess of five (5) percent of alcohol by weight only, to have or keep in or on his premises any intoxicating liquor of any kind or character, other than such malt liquor brewed or manufactured by the method, in the manner, and of the ingredients required by the laws of this state; or to sell, or offer for sale, in or upon the premises, any intoxicating liquor other than malt liquors containing alcohol in excess of three and two-tenths (3.2) percent of alcohol by weight and not in excess of five (5) percent of alcohol by weight.
- (b) It shall be unlawful for any person holding a license for the sale of intoxicating liquor and malt liquor containing alcohol in excess of three and two-tenths (3.2) percent of alcohol by weight, but not in excess of fourteen (14) percent of alcohol by weight to have, keep, sell or offer for sale in or on his premises, any intoxicating liquor of any kind or character, other than malt liquors (brewed or manufactured as provided in subsection (a)) and intoxicating liquors containing alcohol in excess of three and two-tenths (3.2) percent of alcohol by weight, but not in excess of fourteen (14) percent of alcohol by weight.

(Ord. No. 53, § 16, 8-22-50; Code 1965, § 40.24; Ord. No. 2033, § 3, 10-8-85)

State Law reference— Unauthorized liquors on premises licensed for sale by the drink, RSMo 311.330.

Sec. 5-21. - Minors on premises.

- (a) It shall be unlawful for any minor under the age of eighteen (18) years to be and remain or to loiter in any tavern or place of business where intoxicating liquors are sold at retail by the drink for consumption on the premises, unless accompanied by the parent or legal guardian of such minor.
- (b) It shall be unlawful for any person licensed to sell intoxicating liquors at retail by the drink for consumption on the premises, or his employee, to allow any minor under the age of eighteen (18) years, unless accompanied by a parent or legal guardian of such minor, to be and remain or to loiter in the tavern or place of business of such person so licensed.
- (c) Each such licensee shall keep at all times conspicuously posted in such tavern or place of business a printed sign displaying in black letters not less than one (1) inch wide on a white background the words:
"Notice—Minors under the age of eighteen (18) years are not allowed here unless accompanied by parent or legal guardian."

The maintenance of such sign shall not excuse any licensee from a violation of this section.

(Ord. No. 53, § 18, 8-22-50; Code 1965, § 40.26)

Sec. 5-22. - Drinking by minors.

It shall be unlawful for any merchant or keeper of any place of business in the city, or the employee of such merchant or keeper, to suffer or permit any minor to drink or consume on the premises on which his business is conducted any intoxicating liquor, however acquired, or to sell, give away, lend, permit the use of or otherwise dispose of any soda water, ginger ale, water, ice, glass, spoon, container or receptacle to any person with the intent or knowledge that the same will be consumed or used in connection with the drinking or consuming by a minor of any such intoxicating liquor on such premises.

(Ord. No. 53, § 17, 8-22-50; Code 1965, § 40.25)

State Law reference— Power of city to prohibit the selling or giving of intoxicating liquors to minors, RSMo 70.450; sale to minors generally, RSMo 311.310.

Sec. 5-23. - Sale to minors and drunkards; employment of minors.

- (a) It shall be unlawful for any person or his employee to sell or supply intoxicating liquor or permit same to be sold or supplied to a habitual drunkard or to any person who is or is apparently intoxicated.
- (b) Intoxicating liquor shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years, but this shall not apply to supplying intoxicating liquor to a person under said age for medicinal purposes only, or by a physician.
- (c) Except as provided in paragraphs (1) and (2) below, no person under the age of twenty-one (21) years shall sell or assist in the sale or dispensing of intoxicating liquor or nonintoxicating beer.
 - (1) In any place of business licensed in accordance with section 311.200 or section 312.040 RSMo, where at least fifty (50) percent of the gross sales made consists of goods, merchandise or commodities other than intoxicating liquor or nonintoxicating beer in the original package, persons at least eighteen (18) years of age may stock, arrange displays, accept payment for and sack for carryout intoxicating liquor or nonintoxicating beer. Delivery of intoxicating liquor or nonintoxicating beer away from the licensed business premises cannot be performed by anyone under the age of twenty-one (21) years.

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In any distillery, warehouse, wholesale distributorship or similar place of business which stores or distributes intoxicating liquor or nonintoxicating beer but which does not sell intoxicating liquor or nonintoxicating beer at retail, persons at least eighteen (18) years of age may be employed and their duties may include the handling of intoxicating liquor or nonintoxicating beer for all purposes except consumption, sale at retail or dispensing for consumption or sale at retail.

- (3) Persons eighteen (18) years of age or older may, when acting in the capacity of a waiter or waitress, accept payment for or serve intoxicating liquor or nonintoxicating beer in places of business which sell food by consumption on the premises if at least fifty (50) percent of all sales in those places consists of food; provided that nothing in this section shall authorize persons under twenty-one (21) years of age to mix or serve across the bar intoxicating beverages or nonintoxicating beer.
- (d) Any person under the age of twenty-one (21) years, who purchases or attempts to purchase, or has in his or her possession, any intoxicating liquor, or who is visibly intoxicated as defined in section 577.00 RSMo, or has a detectable blood alcohol content of more than two-hundredths of one (.02) percent or more by weight of alcohol in such person's blood is guilty of a violation of this section. For purposes of this section, a manufacturer-sealed container describing that there is intoxicating liquor therein need not be opened or the contents therein tested to verify that there is intoxicating liquor in such container. The violator may allege that there was not intoxicating liquor in such container, but the burden of proof of such allegation is on such person, as it shall be presumed that such a sealed container describing that there is intoxicating liquor therein contains intoxicating liquor.
- (e) It shall be unlawful for any person of the age of seventeen (17) years and under the age of twenty-one (21) years to represent that he or she has attained the age of twenty-one (21) years for the purpose of purchasing, asking for or in any way receiving any intoxicating liquor.

(Ord. No. 53, § 19, 8-22-50; Ord. No. 809, §§ 1, 2, 1-28-64; Code 1965, § 40.27; Ord. No. 4071, § 1, 7-24-07)

State Law reference— Minors selling or handling liquor or beer, RSMo 311.300; purchase or possession by minor, RSMo 311.325; misrepresentation of age by minor to obtain liquor, RSMo 311.320; public intoxication, RSMo 67.305 et seq.

Sec. 5-24. - Minors with intoxicating liquor on premises.

It shall be unlawful for any person or persons to permit a minor on his premises, or on premises under his control or management, to bring upon such premises for consumption by such minor or by another minor any intoxicating liquor, or to permit a minor to consume intoxicating liquor thereon excepting as provided in section 5-23 of this Code, or to permit such minor to have intoxicating liquor in his possession or under his control on such premises. It shall be the duty of such person owning or controlling the premises to promptly notify the police of any violation of the ordinances pertaining to the use, possession or consumption of intoxicating liquor by a minor, and the violation of such duty shall be unlawful.

(Code 1965, § 40.273; Ord. No. 1136, § 1, 6-17-69)

Sec. 5-25. - Supervision of minors.

It shall be unlawful for any person having any minor or group of minors under his charge or control or care or who is acting as sponsor or chapter one for a minor or minors to permit or allow such minor or minors to have in his or their possession or to consume any intoxicating liquor excepting as provided in

section 5-23 of this Code. It shall be the duty of such person in charge of a minor or minors promptly to notify the police of any violation of the ordinances pertaining to the use, possession or consumption of intoxicating liquor by a minor, and the violation of such duty shall be unlawful.

(Code 1965, § 40.275; Ord. No. 1136, § 2, 6-17-69)

Sec. 5-26. - Opening and closing hours.

- (a) No person having a license under this article, nor any employee of such person, shall sell, give away, or otherwise dispose of, or suffer the same to be done upon or about his premises, any intoxicating liquor in any quantity between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. and 6:00 a.m. Monday. If the person has a license to sell intoxicating liquor by the drink, his premises shall be and remain a closed place as defined in this section between the hours of 1:30 a.m. and 6:00 a.m. on weekdays and between the hours of 1:30 a.m. and 6:00 a.m. Monday. Where such licenses authorizing the sale of intoxicating liquor by the drink are held by clubs or hotels, this section shall apply only to the room or rooms in which intoxicating liquor is dispensed; and where such licenses are held by restaurants whose business is conducted in one (1) room only and substantial quantities of food and merchandise other than intoxicating liquors are dispensed, then the licensee shall keep securely locked during the hours and on the days specified in this section all refrigerators, cabinets, cases, boxes, and taps from which intoxicating liquor is dispensed. A "closed place" is defined to mean a place where all doors are locked and where no patrons are in the place or about the premises. Nothing in this section shall be construed to prohibit the sale or delivery of any intoxicating liquor during any of the hours or on any of the days specified in this section by a wholesaler licensed under the provisions of RSMo 311.180 to a person licensed to sell intoxicating liquor at retail.
- (b) When January 1, March 17, July 4, or December 31 falls on Sunday, and on the Sundays prior to Memorial Day and Labor Day and on the Sunday on which the national championship game of the National Football League is played, commonly known as "Super Bowl Sunday," any person having a license to sell intoxicating liquor by the drink may be open for business and sell intoxicating liquor by the drink under the provisions of such license on that day from the time and until the time which would be lawful on another day of the week, any other provision of law to the contrary.
- (c) Establishments licensed to sell intoxicating liquor at retail may apply for a license to sell intoxicating liquor at retail between the hours of 9:00 a.m. and midnight on Sundays.

(Ord. No. 53, § 15, 8-22-50; Ord. No. 392, § I, 9-10-57; Code 1965, § 40.28; Ord. No. 1026, § 1, 12-12-67; Ord. No. 1305, § 1, 11-23-71; Ord. No. 3052, § 1, 2-23-88; Ord. No. 3311, § 1, 6-28-94; Ord. No. 3320, § 1, 9-27-94; Ord. No. 3795, § 1, 9-23-03; Ord. No. 4397, § 1, 2-12-13)

Sec. 5-27. - Sale by the package construed.

The sale of intoxicating liquor, except malt liquor, in the original package in any quantity less than one hundred eighty-seven (187) milliliters shall be deemed sale by the drink, and may be made only by the holder of a retail liquor dealer's license, and, when so made, the container in every case shall be emptied and the contents thereof served as other intoxicating liquors sold by the drink are served.

(Ord. No. 53, § 21, 8-22-50; Code 1965, § 40.20)

State Law reference— Sale by the drink, RSMo 311.100.

Sec. 5-28. - Places for consumption on the premises.

- (a) At drive-in eating places, intoxicating liquor may be sold ready for consumption in glasses or opened beer bottles.
- (b) No packaged goods may be sold except in an enclosed building in conjunction with a restaurant, drugstore, tobacco store, confectionery, grocery store, delicatessen or other places where food or groceries are sold, and may not be sold to persons seated in automobiles.
- (c) In the case of hotels, intoxicating liquors may be sold any place in the building; in restaurants, it may be sold at a bar and in the dining rooms and on a screened dining room or porch.
- (d) In the case of private clubs, intoxicating liquor may be sold in the dining room, bar and screened-in dining porch or outdoor eating place equipped with tables and chairs.
- (e) A licensee to sell intoxicating liquor by the drink may operate a summer garden in conjunction with a tavern provided at least one (1) boundary of the garden is a public street or highway and provided it is so fenced as to permit an unobstructed view of the whole of such garden from the sidewalk or street.

(Ord. No. 274, § 1, 1-24-56; Code 1965, § 40.30)

Secs. 5-29—5-40. - Reserved.

DIVISION 2. - LICENSE^[2]

Footnotes:

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State Law reference— *Liquor license required, RSMo 311.050; municipal licenses, RSMo 311.220.*

Sec. 5-41. - Manufacturers and wholesalers.

- (a) *License.* Every manufacturer, distiller, brewer or wholesaler of intoxicating liquor within the city shall be licensed as such by the board of aldermen.
- (b) *Wholesaler defined.* A "wholesaler" is herein defined to be a person who exposes for sale or makes one (1) or more sales for resale of intoxicating liquor within the limits of the city, or who conducts a business of exposing for sale or selling intoxicating liquor for resale from an established place of business within the city. A manufacturer, distiller or brewer within the city shall not be required to take out a wholesaler's license for the sale of his products at wholesale at the place of manufacture or in quantities of not less than one (1) gallon.
- (c) *License procedure.* The qualifications of persons granted licenses, the application therefor, the officer to whom same shall be made, the disposition of and action thereon, the payment and collection of fees, the license therefor and proceedings for revocation thereof and other regulations thereunder, shall in all respects be those provided for herein in the case of retail liquor dealers.
- (d) *License fees.* For such license, there shall be paid to the city clerk annual charges as follows:
 - (1) For a manufacturer, other than a microbrewer, distiller, or brewer of intoxicating liquor, three hundred seventy-five dollars (\$375.00).
 - (2) For a wholesaler of intoxicating liquor, one hundred fifty dollars (\$150.00).
 - (3) For a microbrewer, seven dollars and fifty cents (\$7.50) for each one hundred (100) barrels or fraction thereof, up to a maximum fee of three hundred seventy-five dollars (\$375.00).
- (e) *Sales to unlicensed dealer.* It shall be unlawful for any manufacturer, distiller, brewer or wholesale dealer in intoxicating liquor, either directly or indirectly, to sell or deliver intoxicating liquor to any person in the city not licensed under the provisions of this article to sell intoxicating liquor at retail.

(Ord. No. 53, §§ 30, 32—34, 8-22-50; Code 1965, § 40.31; Ord. No. 3481, § 1, 10-28-97)

State Law reference— Manufacturers, wholesalers, solicitors, RSMo 311.180.

Sec. 5-42. - Sale of intoxicating liquor.

It shall be unlawful for any person to sell or expose for sale in this city intoxicating liquor in any quantity without a license from the city. A separate license shall be taken out for each of the classes of sales of intoxicating liquors in which the licensee desires to engage and the fee shall be as follows:

- (1) Sale of all kinds of intoxicating liquor in the original package not to be consumed on the premises where sold, seventy-five dollars (\$75.00) per year. No such license shall be issued except to a person engaged in and to be used in connection with one (1) or more of the following businesses: A drugstore, a cigar and tobacco store, a grocery store, a general merchandise store, a confectionery and/or delicatessen store, nor to any such person who does not have and keep in his store a stock of goods having a value according to invoices of at least one thousand dollars (\$1,000.00), exclusive of fixtures and intoxicating liquors;
- (2) Sale of intoxicating liquor of all kinds at retail by the drink for consumption on the premises where sold, and the sale of intoxicating liquors in the original package, four hundred fifty dollars (\$450.00) per year.
- (3) Sale of intoxicating liquor and malt liquor in excess of three and two-tenths (3.2) percent of alcohol by weight, but not in excess of fourteen (14) percent of alcohol by weight, by the drink and for consumption on the premises, two hundred dollars (\$200.00) per year.
- (4) Sale of intoxicating liquor in the original package at retail between the hours of 9:00 a.m. and midnight on Sundays, three hundred dollars (\$300.00) per year.
- (5) Sale of intoxicating liquor by the drink on Sunday between the hours of 9:00 a.m. and midnight on Sundays, three hundred dollars (\$300.00) per year.

(Ord. No. 53, §§ 2, 12, 13, 8-22-50; Ord. No. 300, §§ 2, 3, 5-15-56; Code 1965, § 40.04; Ord. No. 2033, § 1, 10-8-85; Ord. No. 3262, § 1, 6-8-93; Ord. No. 3311, § 2, 6-28-94; Ord. No. 3320, § 2, 9-27-94; Ord. No. 3795, § 2, 9-23-03)

State Law reference— Dealers eligible for license, RSMo 311.200.

Sec. 5-42.1. - Wine tasting on premises licensed for sale of intoxicating liquor in original package at retail.

The holder of a license to sell intoxicating liquor in the original package at retail may conduct wine tastings on the licensed premises, upon evidence that a permit has been issued by the state supervisor of liquor control and upon payment to the city of a fee of twenty-five dollars (\$25.00) per year. Nothing herein shall be construed to permit the licensee to sell wine for on-premises consumption.

(Ord. No. 3327, § 1, 11-11-94)

Sec. 5-43. - Sale of malt liquor.

- (a) Malt liquor containing alcohol in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight, may be sold by the drink at retail for consumption on the premises where sold, when the person desiring to sell said malt liquor by the drink at retail for consumption on the premises shall first have obtained a license therefor. Provided, that no such license shall be issued if the place of sale is within three hundred (300) feet of any property used for church or school purposes or of any public playground located within the city, and provided further

that, the first proviso above shall not apply to cases where the church or school or public playground is established after the license herein has been issued, and in such cases licenses may be renewed without respect to location of the church, school or public playground except when prohibited by state law. The license fee for such license is fifty-two dollars and fifty cents (\$52.50) per year.

- (b) Malt liquor containing alcohol in excess of three and two-tenths (3.2) percent by weight and not in excess of five (5) percent by weight may be sold by grocers and other merchants and dealers in the original package direct to consumers, but not for resale and not for consumption on the premises where sold, when the person desiring to sell said malt liquor in the original package shall first have obtained a license therefor. The license fee for such license is twenty-two dollars and fifty cents (\$22.50) per year.

(Ord. No. 53, §§ 2, 11, 8-22-50; Ord. No. 300, § 1, 5-15-56; Code 1965, § 40.05)

State Law reference— Local licensing of malt liquor and light wines, RSMo 311.200.

Sec. 5-44. - Short term licenses.

Churches, fraternal organizations, schools, civic organizations and service clubs may be issued licenses for not more than three (3) days, if approved by the board of aldermen, as follows:

- (1) Five (5) percent beer by the bottle only, three dollars (\$3.00) per day.
- (2) Five (5) percent beer, draft and bottle, five dollars (\$5.00) per day.

No intoxicating liquor except beer may be sold under a short term license. The board of aldermen may make such conditions as it deems advisable with respect to the location of any bar or other dispensing place.

(Ord. No. 274, § 1, 1-24-56; Code 1965, § 40.06)

Sec. 5-45. - Separate licenses; contents of license.

A separate license is required for each place of business. Every license issued shall particularly describe the premises at which intoxicating liquor may be sold thereunder, and such license does not authorize or permit the sale of intoxicating liquor at any place other than that described therein.

(Ord. No. 53, § 8, 8-22-50; Code 1965, § 40.22)

Sec. 5-46. - License authority.

Each license issued under this article shall apply to the class for which issued, and it shall be unlawful for any person to sell or expose for sale any intoxicating liquor except in the manner authorized in the license held by the licensee.

(Ord. No. 53, § 2, 8-22-50; Code 1965, § 40.07)

Sec. 5-47. - Number of dealers.

The number of dealers who may be licensed to sell liquor by the drink shall be limited to one (1) for every four hundred (400) inhabitants of the city as determined by the last federal census or by any subsequent census ordered by the board of aldermen.

(Ord. No. 53, § 26, 8-22-50; Code 1965, § 40.08)

Sec. 5-48. - Qualifications of licensee.

No person shall be granted a license under this article unless such person is of good moral character and a qualified legal voter and taxpaying citizen of the state; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the 21st amendment to the constitution of the United States, of the violation of the provisions of any law applicable to the manufacture or sale of intoxicating liquor, or of any felony statute within the last ten (10) years, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such liquor law since the date aforesaid.

(Ord. No. 53, § 3, 8-22-50; Code 1965, § 40.09; Ord. No. 2033, § 2, 10-8-85)

State Law reference— Qualifications for licenses, RSMo 311.060.

Sec. 5-49. - Application.

An application for a license to sell intoxicating liquors under this article shall be filed with the city clerk/collector and shall be on forms to be furnished by the city clerk/collector and signed and sworn to by the applicant.

(Ord. No. 53, § 6, 8-22-50; Code 1965, § 40.11)

State Law reference— Application for state license, RSMo 311.210.

Sec. 5-50. - Issuance.

Upon the filing of an application for a license under this article, the application shall be presented to the board of aldermen at its next regular or special meeting, and upon approval of the application by a majority of the board, and upon payment of the license tax herein provided for, the city clerk/collector shall issue a license to the applicant to conduct business in the city until July 31 following its issuance.

(Ord. No. 53, § 7, 8-22-50; Code 1965, § 40.12)

Sec. 5-51. - Probationary period.

The board of aldermen shall investigate every applicant for a license, whether for the sale of intoxicating beer or all intoxicating liquors, and whether by the drink or by the package and may without limitation refuse a license, or it may grant an initial license on probation subject to revocation within seven (7) months without hearing or notice if in the sole and exclusive judgment of the board of aldermen continuance of the license is not to be the best interests of the city. If a license on probation is revoked, a proportionate part of the license fee shall be refunded. The board may refuse to issue a license if in its sole judgment it is advisable not to grant it to the applicant, or if the proposed location is unsatisfactory in the sole discretion of the board, or if in the sole and exclusive judgment and discretion of the board it is not to the best interests of the city to grant another license, if at least three (3) of the kind applied for are in force.

(Ord. No. 274, § 1, 1-24-56; Code 1965, § 40.13)

Sec. 5-52. - Denial of license.

(a) The board of alderman reserves the right to refuse to issue a license for the sale of intoxicating liquor by the drink when in its judgment the location for which the license is sought to be obtained is not in the best interests of the community, taking into consideration the proximity of homes, schools, churches, playgrounds or other activities and conditions. When in the judgment of the board of

aldermen any person previously operating an establishment for the sale of intoxicating liquor has not conducted an orderly place or house, the board of aldermen may refuse to renew the license upon its expiration.

- (b) No appeals shall lie from the decision of the board of aldermen granting or refusing to grant, or renewing or refusing to renew, any license for the sale of intoxicating liquor by the drink.

(Ord. No. 53, § 27, 8-22-50; Code 1965, § 40.14)

Sec. 5-53. - Disposition of fees.

All fees collected by the city clerk/collector pursuant to this article shall be accounted for and paid into the city treasury as other funds collected by him are accounted for and paid.

(Ord. No. 53, § 22, 8-22-50; Code 1965, § 40.16)

Sec. 5-54. - Merchant's fee.

The license fee and license issued under this article are for the sole purpose of permitting the licensee to engage in the sale of intoxicating liquor, and in addition to such fee and license the licensee shall be liable for and shall pay the merchant's license fee based upon the value of all of his merchandise and upon his gross sales. It shall be unlawful for a licensee to operate without a merchant's license.

(Ord. No. 53, § 23, 8-22-50; Ord. No. 413, § 1, 12-17-57; Code 1965, § 40.17)

Sec. 5-55. - Posting license.

A license issued pursuant to this article shall be kept conspicuously posted in the place for which such license was issued.

(Ord. No. 53, § 20, 8-22-50; Code 1965, § 40.18)

Sec. 5-56. - Transfer.

- (a) Licenses issued under this article may be transferred in the following cases:

- (1) In the event of the death of a licensee, the widow or widower or next of kin of the deceased licensee, who shall meet the other requirements of this article, may make application and the board of aldermen may order the transfer of the license to permit the operation of the business of the deceased for the remainder of the period for which the license fee has been paid.
- (2) When one (1) or more members of a partnership withdraw from a partnership, the board of aldermen may permit the remaining partner or partners to continue operation for the remainder of the period for which the license fee has been paid, and a memorandum to that effect shall be endorsed upon the license by the city clerk/collector.

- (b) Substantial changes in the ownership in shares of resident corporations having liquor licenses shall be reported to the board of aldermen, and changes in the managing officer of such corporations shall also be reported to the board of aldermen, and in such case the board may revoke the license if in the judgment and discretion of the board the manager is not a fit person to conduct the establishment. A change in ownership of forty (40) percent or more of a resident corporation shall be deemed a substantial change in ownership and in such case the board of aldermen may revoke the license if in its judgment and discretion the new shareholders are not fit persons to be associated with the business. If the change in management is approved by the board of aldermen, that fact shall be endorsed upon the license by the city clerk/collector.

(Ord. No. 53, § 14, 8-22-50; Ord. No. 410, § 1, 11-26-57; Code 1965, § 40.19)

State Law reference— Transfer of state license, RSMo 311.250.

Sec. 5-57. - Duration.

The annual licenses issued under this article shall be dated August 1, and shall expire July 31 of the following year. The fees for such licenses shall be paid annually in advance. Licenses may be issued for part of a year for businesses that commenced after August 1, and proportionate fees shall be charged based on the months or fraction of a month said license is to run to the next July 31 following.

(Ord. No. 53, § 25, 8-22-50; Code 1965, § 40.15)

State Law reference— Period of state license, RSMo 311.240.

Sec. 5-58. - Renewal.

No liquor license, whether for sale by the drink or by the package, can be renewed as a matter of right and the board of aldermen shall have and exercise the same judgment and discretion with respect to renewal of licenses as is provided in this article with reference to the issuance or refusal of licenses upon original application.

(Ord. No. 274, § 1, 1-24-56; Code 1965, § 40.20)

State Law reference— Time of application for renewal of state license, RSMo 311.240.

Sec. 5-59. - Revocation.

- (a) Whenever it is shown to the board of aldermen that a dealer licensed under this article has not kept an orderly place or house, or has violated any of the provisions of this article or of the Liquor Control Law of the state, or has no license from the state supervisor of liquor control, or has made a false affidavit in his application for a license, the board of aldermen, after a hearing thereon, shall revoke the license of such dealer, giving ten (10) days' notice in writing thereof prior to the hearing thereon to the dealer, or any person in charge of or employed in the place licensed, stating the time, place, purpose and grounds therefor, at which hearing the dealer may have counsel and produce witnesses in his behalf.
- (b) In lieu of revoking the license, if the board of aldermen finds that there are extenuating circumstances or that the violation is of such a minor nature that revocation of the license would be unduly harsh, the board of aldermen may suspend the license for such period of time and upon such conditions as may be just in the discretion and judgment of the board of aldermen.

(Ord. No. 53, § 24, 8-22-50; Ord. No. 329, § I, 9-25-56; Code 1965, § 40.21)

State Law reference— State supervisor of liquor control, RSMo 311.610.

Secs. 5-60—5-70. - Reserved.

ARTICLE III. - NONINTOXICATING BEER^[3]

Footnotes:

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State Law reference— Local regulation of nonintoxicating beer, RSMo 312.140.

DIVISION 1. - GENERALLY

Sec. 5-71. - Definitions.

Terms used in this article have the following meanings:

Intoxicating liquor: Alcohol for beverage purposes, alcoholic, spirituous, vinous, fermented malt or other liquors or combination of liquors, a part of which is spirituous, vinous or fermented, and all preparations or mixtures for beverage purposes containing in excess of three and two-tenths (3.2) percent of alcohol by weight.

Nonintoxicating beer: Any beer manufactured from pure hops, or pure abstract of hops, and pure barley malt or other wholesome grains or cereals, and wholesome yeast and pure water, and free from all harmful substances, preservatives and adulterants, and having an alcoholic content of more than one-half of one (0.5) percent by volume, and not exceeding three and two-tenths (3.2) percent by weight.

Original package: Any package containing three (3), six (6), twelve (12) or twenty-four (24) small standard beer bottles, and any package containing three (3), six (6) or twelve (12) large standard beer bottles when such bottles contain nonintoxicating beer.

Premises: The entire building in which the licensee has his place of business, and any additional building used in connection therewith, and the entire lot or lots, parcel or parcels, of land on which said buildings are situated, or which are used in connection with said buildings.

Transportation company: Any person engaged in the business of transportation for hire of goods and merchandise by use or means of any vessel, railroad car, motor vehicle, airplane or other means of conveyance, to whom or to which any provision of this article applies or may apply.

(Ord. No. 54, § 7, 8-22-50; Code 1965, § 41.01)

State Law reference— Definitions, RSMo 311.020, 312.010.

Sec. 5-72. - Enforcement.

It shall be the duty of the police of the city to see that the provisions of this article are obeyed, and it shall be their duty to report to the chief of police the names of the persons, and their addresses, of all places which are not kept in an orderly manner. The chief of police shall report immediately all such violations to the board of aldermen.

(Ord. No. 54, § 25, 8-22-50; Code 1965, § 41.30)

Sec. 5-73. - Authorized.

Beer having an alcoholic content of not less than one-half of one (0.5) percent by volume nor exceeding three and two-tenths (3.2) percent by weight is hereby declared to be nonintoxicating beer, and may be lawfully manufactured, sold, transported and consumed in the city, subject to the provisions of this article.

(Ord. No. 54, § 1, 8-22-50; Code 1965, § 41.02)

Sec. 5-74. - Labeling containers.

It shall be the duty of every manufacturer or brewer manufacturing or brewing nonintoxicating beer in the city, and of every manufacturer, brewer, distributor or wholesaler outside of the city shipping any nonintoxicating beer into the city for sale therein at wholesale or retail, to cause every bottle, barrel, keg and other container of such nonintoxicating beer to have on the label thereon, in plain letters and figures, "Alcoholic content not in excess of 3.2 percent by weight," or "Alcoholic content not in excess of 4 percent by volume." Any beer not so labeled shall be deemed to have an alcoholic content in excess of three and

two-tenths (3.2) percent by weight, and the sale thereof in the city shall be subject to all the regulations and penalties provided by this article for the sale of beer having an alcoholic content in excess of three and two-tenths (3.2) percent by weight.

(Ord. No. 54, § 18, 8-22-50; Code 1965, § 41.21)

State Law reference— Similar provisions, RSMo 312.310.

Sec. 5-75. - Sale by wholesale licensees.

A license to brew or manufacture nonintoxicating beer in the city shall be construed to authorize the sale by the holder of such license of such nonintoxicating beer to distributors or wholesalers for resale to retailers only, or direct to retailers. A license authorizing any distributor or wholesaler to sell nonintoxicating beer in the city shall be construed to authorize the sale thereof only to persons authorized to sell nonintoxicating beer to consumers not for resale; but no such license, either to manufacture, brew or sell at wholesale shall be construed to authorize the sale by the holder of any such license of nonintoxicating beer direct to consumers.

(Ord. No. 54, § 6, 8-22-50; Code 1965, § 41.10)

Sec. 5-76. - Keeping intoxicating liquor.

- (a) No person holding a license issued pursuant to this article to sell nonintoxicating beer at retail, either in the original package or for consumption on the premises, shall have or keep, or secrete, on or about the premises described and covered by such license, any intoxicating liquor of any kind or character. No manufacturer or wholesale distributor shall sell any intoxicating liquor of any character containing alcohol in excess of three and two-tenths (3.2) percent by weight to any person holding only a license issued pursuant to this article.
- (b) Any person who violates this section shall be punished by imprisonment for a term of not more than ninety (90) days or by a fine of not less than fifty dollars (\$50.00), nor more than five hundred dollars (\$500.00) or by both such fine and jail sentence.

(Ord. No. 54, § 8, 8-22-50; Code 1965, § 41.11)

State Law reference— Similar provisions, penalty, RSMo 312.430.

Sec. 5-77. - Brewers' interest in retail business.

- (a) Brewers or manufacturers of nonintoxicating beer, or the employees, officers, agents, subsidiaries or affiliates thereof, shall not, under any circumstances, directly or indirectly, have any financial interest in the retail business for the sale of such nonintoxicating beer, nor shall they, directly or indirectly, loan, give away or furnish equipment, money, credit or property of any kind except ordinary commercial credit, for such nonintoxicating beer sold to such retailers.
- (b) All contracts entered into between such brewers or manufacturers, or their officers, employees, directors or agents, in any way concerning any of their products, obligating any retail dealer or dealers to buy or sell only the products of any such brewer or manufacturer, or obligating any such retail dealer to buy or sell the major part of such products required by such retail dealer from any such brewer or manufacturer, shall be void, and proof of the execution of such contract shall forfeit the license of both the vendor and the vendee.

(Ord. No. 54, § 15, 8-22-50; Code 1965, § 41.18)

State Law reference— Similar provisions, RSMo 312.060.

Sec. 5-78. - Hours of sale.

- (a) No person having a license under this article shall sell, give away or otherwise dispose of or suffer the same to be done on or about his premises, any nonintoxicating beer in any quantity between the hours of 1:30 a.m. and 6:00 a.m.
- (b) Any person who violates this section shall be punished by imprisonment for a term of not more than ninety (90) days, or by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by both such fine and jail sentence.

(Ord. No. 54, § 19, 8-22-50; Code 1965, § 41.22)

State Law reference— Similar provisions, RSMo 312.410.

Sec. 5-79. - Sales; prohibited times.

In addition to the ban on sale of nonintoxicating beer between the hours of 1:30 a.m. and 6:00 a.m., it shall be unlawful for any person to serve or dispense any nonintoxicating beer on holidays, or at any times when under existing laws and ordinances, it is unlawful to sell or dispense intoxicating liquors.

(Code 1965, § 41.225; Ord. No. 1003, § 3, 4-25-67)

Sec. 5-80. - Sale in original containers.

It shall be unlawful for any person to sell or offer for sale in the city any nonintoxicating beer unless sold or offered for sale in the original bottle or in the original package containing bottles bearing the original label and full name of the brewer or manufacturer thereof, both upon the label on the bottle and upon the cap or cork of such bottle; or, in the case of the sale of nonintoxicating beer on draft, unless drawn from the original keg or barrel having stamped on the ends thereof the full name of the manufacturer or brewer of the beer.

(Ord. No. 54, § 9, 8-22-50; Code 1965, § 41.12)

State Law reference— Similar provisions, RSMo 312.300.

Sec. 5-81. - Transportation agency reports.

Every person who transports any nonintoxicating beer into the city and delivers the same to any person therein, shall when requested, furnish the city clerk/collector a duplicate bill of lading or receipt for such nonintoxicating beer, showing the name of the consignor and consignee, date, place received and quantity of nonintoxicating beer.

(Ord. No. 54, § 11, 8-22-50; Code 1965, § 41.14)

Sec. 5-82. - Breaking original package.

It shall be unlawful for any person authorized to sell nonintoxicating beer in the original package to allow such original package to be broken, or to allow any of such nonintoxicating beer to be consumed, in or upon the premises where sold.

(Ord. No. 54, § 13, 8-22-50; Code 1965, § 41.16)

State Law reference— Similar provisions, RSMo 312.390; penalties for certain violations, RSMo 312.470.

Sec. 5-83. - Spiking drinks.

- (a) It shall be the duty of every holder of a license to manufacture and sell, or to sell, nonintoxicating beer to prevent any person on the premises described in such license from pouring into, mixing with or adding to such nonintoxicating beer any alcohol or other liquid, or any alcohol cube or cubes, or other ingredient or ingredients that will increase, or tend to increase, the alcoholic content of such nonintoxicating beer.
- (b) Any person who violates this section shall be punished by imprisonment for a term of not more than ninety (90) days or by a fine of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) or by both such fine and jail sentence.

(Ord. No. 54, § 4, 8-22-50; Code 1965, § 41.17)

State Law reference— Similar provisions, RSMo 312.460.

Sec. 5-84. - Unlawful possession.

No person, except a duly licensed manufacturer or wholesaler, shall possess nonintoxicating beer within the city unless:

- (1) It has been acquired from some person authorized to sell the same, and the package in which such nonintoxicating beer is contained and from which it is taken for consumption has, while containing such nonintoxicating beer, been labeled and sealed as provided by this article; or
- (2) The nonintoxicating beer is had or kept with the written or printed permission of the state supervisor of liquor control.

(Ord. No. 54, § 16, 8-22-50; Code 1965, § 41.19)

State Law reference— Similar provisions, RSMo 312.160.

Sec. 5-85. - Places for consumption on premises.

- (a) At drive-in eating places, nonintoxicating beer may be sold ready for consumption in glasses or opened beer bottles.
- (b) No package goods may be sold except in an enclosed building in conjunction with a restaurant, drug store, tobacco store, confectionery, grocery store, delicatessen or other places where food or groceries are sold, and may not be sold to persons seated in automobiles.
- (c) In the case of hotels, nonintoxicating beer may be sold anywhere in the building; in restaurants, it may be sold at a bar and in the dining rooms and on a screened dining room or porch.
- (d) In the case of private clubs, nonintoxicating beer may be sold in the dining room, bar and screened-in dining porch or outdoor eating place equipped with tables and chairs.
- (e) A licensee to sell nonintoxicating beer by the drink may operate an open air space, commonly called a summer garden, in conjunction with a tavern, provided at least one (1) boundary of the garden is a public street or highway and provided it is so fenced and equipped as to permit an unobstructed view of the whole of such garden from the sidewalk or street.

(Ord. No. 54, § 21, 8-22-50; Ord. No. 262, § 1, 12-20-55; Code 1965, §§ 41.24, 41.25)

Sec. 5-86. - Gambling.

No place wherein nonintoxicating beer is sold at retail by the drink shall have any gambling or gaming device, and no place where nonintoxicating beer is sold therein at retail shall have therein any tables concealed or enclosed in private rooms or by partitions or rooms.

(Ord. No. 54, § 22, 8-22-50; Code 1965, § 41.26)

Sec. 5-87. - Sales to minors and drunkards.

- (a) No person or his employee shall sell or supply nonintoxicating beer or permit same to be sold or supplied to a habitual drunkard or to any person who is under or apparently under the influence of alcoholic beverages.
- (b) Nonintoxicating beer shall not be given, sold or otherwise supplied to any person under the age of twenty-one (21) years, but this shall not apply to the supplying of nonintoxicating beer to a person under said age for medicinal purposes only, or by the parent or guardian of such person or to the administering of said nonintoxicating beer to said person by a physician.

(Ord. No. 54, § 20, 8-22-50; Code 1965, § 41.23)

State Law reference— Similar provisions, RSMo 312.400.

Sec. 5-88. - Purchases by minors.

It shall be unlawful for any person under the age of twenty-one (21) years to purchase or attempt to purchase, or have in his possession, any nonintoxicating beer, as defined in this article.

(Ord. No. 808, § 1, 1-28-64; Code 1965, § 41.235; Ord. No. 901, § 1, 9-14-65)

State Law reference— Similar provisions, RSMo 312.407.

Sec. 5-89. - Employment of minors.

No person holding a license to sell nonintoxicating beer by the drink at retail shall suffer or permit any minor under the age of sixteen (16) years to be employed or work in, or in connection with, any entertainment or cabaret conducted in any place wherein nonintoxicating beer is sold by the drink at retail.

(Ord. No. 54, § 22, 8-22-50; Code 1965, § 41.27)

State Law reference— Minors selling or handling nonintoxicating beer, RSMo 311.300.

Sec. 5-90. - Statement of sales.

It shall be the duty of each holder of a license authorizing the manufacture and sale, or sale at wholesale, of nonintoxicating beer on or before the fifth day of each calendar month, to file in the office of the city clerk/collector a sworn statement showing the amount of nonintoxicating beer manufactured and sold, or sold, and to whom sold, during the next preceding calendar month.

(Ord. No. 54, § 10, 8-22-50; Code 1965, § 41.13)

State Law reference— Statement of sales, RSMo 312.170.

Secs. 5-91—5-100. - Reserved.

DIVISION 2. - LICENSE^[4]

Footnotes:

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State Law reference— *Nonintoxicating beer permit required, RSMo 312.030; local licenses, RSMo 312.140.*

Sec. 5-101. - Required.

It shall be unlawful for any person in the city to manufacture, brew or sell, either at wholesale or at retail in the original package, or by the drink to be consumed on the premises where sold, except as provided in this article, and without having first applied for and obtained, a license authorizing such brewing, manufacture and sale, or sale thereof.

(Ord. No. 54, § 2, 8-22-50; Code 1965, § 41.02)

Sec. 5-102. - Location.

The board of aldermen reserves the right to refuse to issue a license for the sale of nonintoxicating beer by the drink when in its judgment the location for which the license is sought to be obtained is not in the best interests of the community, taking into consideration the proximity of homes, schools, churches, playgrounds or other activities and conditions or circumstances; or if in the judgment of the board of aldermen the person previously operating an establishment for the sale of either intoxicating liquor or nonintoxicating beer has not conducted an orderly place, the board of aldermen may refuse to renew the license upon its expiration.

(Ord. No. 262, § 1, 12-20-55; Code 1965, § 41.03)

Sec. 5-103. - Principal business of licensee.

A license to sell nonintoxicating beer shall not be issued to any person unless he is at the time of application engaged in the conduct and operation of, and his principal business is that of, a package liquor store, drug store, cigar and tobacco store, grocery store, confectionery, delicatessen, restaurant or general merchandise store upon the premises where the license, if issued, is to be used, and the sale of said nonintoxicating beer shall be merely incidental to the operation and conduct of the other line of business carried on in the premises.

(Code 1965, § 41.035; Ord. No. 1003, § 1, 4-25-67)

Sec. 5-104. - Investigation of applicant; probationary period.

The board of aldermen shall investigate every application for a license whether for the sale of nonintoxicating beer by the drink or package and whether for the sale of nonintoxicating beer by the drink or package and may without limitation refuse a license, or it may grant an initial license on probation subject to revocation within seven (7) months without hearing or notice if in the sole and exclusive judgment of the board of aldermen continuance of the license is not to the best interests of the city. If a license on probation is revoked, a proportionate part of the license fee shall be refunded. The board may refuse to issue a license if in its sole judgment it is advisable not to grant it to the applicant, or if the proposed location is unsatisfactory in the sole discretion of the board, or if in the sole and exclusive judgment and discretion of the board, it is not to the best interests of the city to grant another license, if at least four (4) of the kind applied for are in force.

(Ord. No. 262, § 1, 12-20-55; Code 1965, § 41.04)

Sec. 5-105. - Qualifications for license—Generally.

No person shall be granted a license under this article unless he is of good moral character and a qualified legal voter and taxpaying citizen of the state; and no person shall be granted a license or permit hereunder whose license as such dealer has been revoked, or who has been convicted, since the ratification of the 21st amendment to the constitution of the United States, of a violation of the provisions

of any law applicable to the manufacture or sale of intoxicating liquor, or who employs or has employed in his business, as such dealer, any person whose license has been revoked or who has been convicted of violating the provisions of any such law since such date.

(Ord. No. 262, § 1, 12-20-55; Code 1965, § 41.06)

State Law reference— Similar provisions, RSMo 312.040.

Sec. 5-106. - Same—Residence.

A license to sell nonintoxicating beer shall be granted an applicant, if an individual, only if he is a bona fide resident of the city, or if a corporation, only if the main director thereof is a resident of the city.

(Code 1965, § 41.065; Ord. No. 1003, § 2, 4-25-67)

Sec. 5-107. - Unlawful activities.

No license shall be granted for the sale of nonintoxicating beer at retail by the drink for consumption at the place where sold in a building occupied or used for an unlawful purpose, nor in any room or portion of a building connected by any entrance or exit, or other means of communication, with any room or place used for an unlawful purpose.

(Ord. No. 54, § 23, 8-23-50; Code 1965, § 41.28)

Sec. 5-108. - Separate license for each location.

A separate license under this article shall be issued for each place of business, and no person, nor the agent or employee of any person in any capacity, shall sell nonintoxicating beer in any other place than that designated in the license.

(Ord. No. 54, § 4, 8-22-50; Code 1965, § 41.08)

Sec. 5-109. - Issuance.

All licenses issued under this article shall be issued by the city clerk/collector, but no license shall be issued except with the approval of the board of aldermen given at a regular or special meeting of the board, and upon the payment of the license fee. Any person holding a license to sell intoxicating liquors at retail, either in the original package or by the drink to be consumed on the premises where sold, may sell on the premises described in such license nonintoxicating beer without obtaining the license under this article.

(Ord. No. 54, § 3, 8-22-50; Code 1965, § 41.07)

Sec. 5-110. - Fees—Generally.

Annual fees for licenses authorized by this article are as follows:

- (1) For a permit authorizing the manufacture or brewing of nonintoxicating beer brewed or manufactured in the city, three hundred seventy-five dollars (\$375.00);
- (2) For a license authorizing the sale by any distributor or wholesaler other than the manufacturer or brewer thereof, of nonintoxicating beer, seventy-five dollars (\$75.00);
- (3) For a license authorizing the sale of nonintoxicating beer at retail for consumption on the premises where sold, thirty-seven dollars and fifty cents (\$37.50);
- (4)

For a license authorizing the sale of nonintoxicating beer by grocers and other merchants and dealers for sale in the original package direct to the consumer, but not for resale, and not to be consumed on the premises where sold, twenty-two dollars and fifty cents (\$22.50);

- (5) For the privilege of selling to duly licensed wholesalers and soliciting orders for the sale of nonintoxicating beer, seventy-five dollars (\$75.00);
- (6) For churches, fraternal organizations, schools, civic organizations and service clubs licenses for not more than three (3) days, if approved by the board of aldermen, as follows:
 - a. Nonintoxicating beer, by the bottle only, two dollars (\$2.00) per day.
 - b. Nonintoxicating beer, draft and bottle, four dollars (\$4.00) per day.

The board of aldermen may make such conditions as it deems advisable with respect to the location of any bar or other dispensing place.

(Ord. No. 54, § 5, 8-22-50; Ord. No. 262, § 1, 12-20-55; Ord. No. 301, § 1, 5-15-56; Code 1965, § 41.09)

Sec. 5-111. - Same—Payment.

The fees payable under this article shall be due and payable in advance on the first day of August of each year. Licensees who commence business after August 1 for any year shall be granted a license for part of a year to the August 1 following, and shall pay therefor one-twelfth (1/12) of the annual fee for every month or part thereof from the date of issuance to August 1.

(Ord. No. 54, § 31, 8-22-50; Code 1965, § 41.33)

State Law reference— Payment of state permit fees, RSMo 312.110.

Sec. 5-112. - Merchant's fee.

The license fee charged and license issued under this article are for the sole purpose of permitting the licensee the privilege of selling nonintoxicating beer, and in addition to such fee and license the licensee shall be liable for and shall pay the merchant's license fee based upon the value of all of his merchandise and upon his gross sales. It shall be unlawful for a licensee to operate without a merchant's license.

(Ord. No. 54, § 30, 8-22-50; Ord. No. 414, § 1, 12-17-57; Code 1965, § 41.32)

Sec. 5-113. - Posting license.

All licenses issued under this article shall authorize the sale of nonintoxicating beer only at the place described in such license, and all such licenses shall be kept conspicuously posted in the place for which license was issued.

(Ord. No. 54, § 24, 8-22-50; Code 1965, § 41.29)

Sec. 5-114. - Form of sales authorized.

Any license issued under this article authorizing the sale of nonintoxicating beer at retail for consumption on the premises described in such license shall be construed to authorize the sale of such nonintoxicating beer by the bottle, by the glass, on draught and in the original package.

(Ord. No. 54, § 12, 8-22-50; Code 1965, § 41.15)

Sec. 5-115. - Transfer.

Licenses issued under this article may be transferred only in the cases permitted for transfer of intoxicating liquor licenses under section 5-56.

(Ord. No. 54, § 17, 8-22-50; Ord. No. 411, § 1, 11-26-57; Code 1965, § 41.20)

Sec. 5-116. - Renewal.

No nonintoxicating beer license, whether for sale by the drink or by the package, shall be renewed as a matter of right. The board of aldermen shall have and exercise the same judgment and discretion with respect to renewal of licenses as is provided in this article with reference to the issuance or refusal of licenses upon original application.

(Ord. No. 262, § 1, 12-20-55; Code 1965, § 41.05)

State Law reference— Renewal of state permits, RSMo 312.110.

Sec. 5-117. - Revocation.

- (a) Any person holding a license issued under this article who violates any of the terms hereof shall, in addition to the other penalties, and in the discretion of the board of aldermen, suffer the revocation of his license or the suspension of such license for not exceeding ten (10) days. Whenever any license is revoked because of any violation of this article, no other license or additional license shall be issued to the same person on any other premises for a period of one (1) year from the date of revocation.
- (b) Before revoking or suspending any license granted hereunder, the board of aldermen shall give the licensee at least ten (10) days' written notice of any complaint or charge against him, and the nature of such complaint or charge, and shall fix the date for the hearing on said complaint or charge, upon which hearing the licensee shall have the right to have counsel, and to produce witnesses in his behalf. If the board of aldermen shall, after such hearing, revoke or suspend the license of such licensee, its decision and action shall be final.

(Ord. No. 54, § 27, 8-22-50; Code 1965, § 41.31)

Chapter 6 - ANIMAL CONTROL CODE^[1]

Footnotes:

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Editor's note—Ord. No. 4443, § 1, adopted November 26, 2013, repealed the former Ch. 6, §§ 6-1—6-23, and enacted a new Ch. 6 as set out herein. The former Ch. 6 pertained to similar subject matter. See Code Comparative Table for complete derivation.

Cross reference— Health, Ch. 12; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; zoning, Ch. 26; animals in trailer camps, § 13-64; hunting § 16-6; hunting in parks, § 17-4.

Sec. 6-1. - Title.

This chapter shall be known and may be cited as "The Animal Control Code of the City of Crestwood, Missouri".

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-2. - Purpose.

The purposes of this chapter include:

- (1) Prevention of the introduction or transmission of rabies.

- (2) Prevention of the introduction or transmission of other zoonotic diseases.
- (3) Protection and enhancement of the health and safety of humans by regulating animals whose conduct could be harmful to humans.
- (4) Prevention of mistreatment of animals and protection and enhancement of the health and safety of animals.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-3. - Definitions.

For the purpose of this chapter, certain terms and words are hereby defined. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular; reference to the male gender includes the female, and references to any person or animal without specifying gender include both male and female; the word "shall" is mandatory and directory wherever it is used in this chapter. Other words defined are:

At large: An animal who is deemed to be at large in accordance with the St. Louis County Animal Control Code.

Bite or bitten: A puncture, tear or abrasion of the skin inflicted by the teeth of an animal.

Cat: All members of the classification felis domesticus, male or female, four (4) months of age or older.

Cattery: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, whether used for pleasure or profit, in which, at which or upon which four (4) or more cats are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of four (4) or more cats, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed to be the operator of a cattery.

Certificate: A certificate issued under the St. Louis County Animal Control Code at the time of the vaccination of a dog or cat, bearing thereon the signature of the veterinarian performing the vaccination, the registration number, the name, color, breed and sex of the dog or cat, the name and address of a person responsible for the dog or cat, the date of the vaccination, and the type of vaccine administered.

Dangerous animal: A dangerous animal is any animal that meets the definition of "dangerous animal" in the St. Louis County Animal Control Code.

Dog: All members of the classification canis familiaris, male or female, four (4) months of age or older.

Euthanize: To put to death in a humane manner, taking into account the circumstances necessitating the euthanasia and need to protect the public health.

Excessive animal noise: Any animal noise causing a disturbance by barking, howling, meowing or other noisemaking.

Exposed to rabies: Any vaccinated or unvaccinated animal, which has been bitten, has been fighting with or has had contact with:

- (1) An animal known to have rabies; or
- (2) An animal which shows or has shown signs of rabies.

Health department, director or health director: The St. Louis County Department of Health or the Director of the St. Louis County Department of Health or his or her designee.

Impound: To apprehend, seize, catch, trap, net, quarantine, tranquilize, or confine an animal in a humane manner.

Intact animal: Any animal that has not been spayed or neutered.

Kennel: Any place or tract of land, whether indoors or outdoors, whether enclosed or not, whether used for pleasure or profit, in which, at which or upon which four (4) or more dogs are kept, housed, bred, raised, fed, displayed, exhibited or sold. The owner of four (4) or more dogs, whether owned for pleasure or profit, breeding or exhibiting, shall be deemed the operator of a kennel.

Kitten: All members of the classification *felis domesticus*, male or female, under the age of four (4) months.

Person responsible for an animal or responsible person: Any person, firm, association, partnership, or corporation which owns, harbors, shelters, keeps, controls, manages, possesses, or has a part interest in any dog, cat, animal, cattery or kennel in the city. The occupant of any premises on which a dog or cat or other animal remains for a period of seven (7) days, or to which it customarily returns for a period of ten (10) days is presumed to be harboring, sheltering or keeping the aforementioned dog, cat or other animal within this definition. If a minor owns an animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be the person responsible for the animal under this chapter, whether or not such household head is himself a minor. If not a member of a household, such minor shall himself be the responsible person. There may be more than one (1) person responsible for an animal.

Puppy: All members of the classification *canis familiaris*, male or female, under four (4) months of age.

Vaccinate: The injection by a veterinarian of a specified dose of anti-rabies vaccine into the body of an animal in accordance with the St. Louis County Animal Control Code.

Vaccination registration: The procedure of vaccinating for rabies and issuing an identification number and an appropriate certificate under the St. Louis County Animal Control Code. The words "vaccination" and "registration" shall be interchangeable.

Veterinarian: Unless otherwise specifically indicated, veterinarian means any person holding a valid current veterinarian license issued by the State of Missouri or any other state.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-4. - Enforcement authority.

The enforcement of this chapter shall be the responsibility of the director of public services or his/her designee, the health director or his/her designee where provided, and the chief of police and police officers, but only police officers can affect a physical arrest.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-5. - Penalties.

Any person violating any of the provisions of this chapter shall, upon conviction by the city prosecutor, be subject to all penalties provided for violation of city ordinances. Nothing herein shall be interpreted or construed to prohibit the health director's or his/her designee's enforcement of these provisions where provided.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-6. - Licensing dogs and cats; kennels, catteries, and other permits.

No household may keep more than three (3) dogs or three (3) cats or any combination thereof, unless otherwise provided for by this Code.

- (1) *Rabies vaccination requirements.* Every dog, cat, puppy and kitten shall be vaccinated against rabies and registered as provided in the St. Louis County Animal Control Code.
- (2) *Identification tags.* Every dog, cat, puppy, and kitten must have an identification tag containing, at a minimum, one (1) phone number and a physical address (not a post office box). The identification tag shall be attached to the animal's collar or harness and worn at all times when the animal is outside the residence of the responsible person.
- (3) *Kennel, cattery, animal rescue licenses and sportsman's permits.* No person shall maintain a kennel or cattery within the city without a license therefore. Applications for said license shall be submitted to the director of public services or his/her designee who will be responsible for an investigation of the applicant's proposed activities, the facilities available, and the potential for negative neighborhood impact. The director of public services or his/her designee will grant licenses to approved applicants for the period of one (1) calendar year upon payment of an annual fee.
 - a. Noncommercial kennels or catteries shall pay an annual fee of ten dollars (\$10.00). The number of dogs or cats to be kept in any noncommercial kennel or cattery shall not exceed five (5). License applications may be denied by the director of public services or his/her designee if historical records indicate a failure of the applicant to provide adequate and/or humane facilities, if animals or premises are deemed to be a nuisance, or the applicant has failed to comply with other provisions of this Code in the past one (1) year or until the number of animals is reduced naturally through attrition to three (3). After which time the licensee shall maintain no more than three (3) animals. Noncommercial kennel or cattery licenses shall only be allowed under the following circumstances:
 1. An applicant moves to the City of Crestwood from a jurisdiction that allows more than three (3) animals per residence, or
 2. An applicant has a relative or family member take up residence and brings existing animals which increase the number to greater than three (3), or
 3. An applicant has an immediate family member which has become infirmed and in need of placement of existing animals whose addition increases the number to greater than three (3).
 - b. Commercial kennels or catteries shall pay an annual fee of fifty dollars (\$50.00). Applicants for commercial permits must also meet all the requirements of the Zoning Code of the City of Crestwood. The total number of animals to be kept in any such kennel or cattery shall not exceed fifteen (15). Licenses will be granted only to individuals who have USDA or ACFA approval and only for the breeding of purebreds.

The holder of either a noncommercial or commercial kennel or cattery permit may keep one (1) litter intact until the animals reach six (6) months of age; one (1) animal from the litter may be retained until it reaches twelve (12) months of age. At no time may the holder of either permit retain more than six (6) animals over six (6) months of age nor more than five (5) animals over one (1) year of age. Animals must be vaccinated in accordance with the St. Louis County Animal Control Code.

- c. Rescue organization affiliates shall pay an annual license fee of one hundred fifty dollars (\$150.00). Licenses will be granted only to individuals who are active members of an established domestic animal rescue organization, have USDA or ACFA approval, and who meet the standards for kennel or cattery licenses except that the animals need not be purebreds. The total number of animals shall be limited to eight (8) per household. Up to three (3) personal pets may be maintained at the same location and must be registered with the city on an annual basis, but such animals must figure into the total of only eight (8) animals per household. The director of public services or his/her designee may waive the limitations set forth in this subsection if the rescue organization affiliate maintains its facility not within a household.
- d. Sportsman's permits may be issued upon application to and approval from the director of public services or his/her designee. Owners of purebred animals may obtain a permit for a fee of ten dollars (\$10.00) to keep up to five (5) animals in a residential area provided:
 - 1. Such animals are registered with a national registry (AKC, UKC or field dog);
 - 2. Adequate facilities are provided; and
 - 3. Other provisions of this chapter are complied with, and no animal or premise is deemed to be a nuisance.

The facilities maintained by license and permit holders under this section shall be inspected at any reasonable time, one (1) time each year, or more often as may be necessary to ensure compliance with this Code. Licenses may be revoked or suspended by the director of public services or his/her designee for failure of licensee to provide adequate and/or humane facilities, or if animals or premises are deemed to be a nuisance.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-7. - Animals impounded—When and where.

Dogs, cats, and other animals shall be impounded in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-8. - Redemption of non-rabid dogs and cats.

All non-rabid dogs and cats and other animals captured or impounded shall be held, treated, and/or released in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-9. - Animals bitten, exposed to, or showing signs of rabies.

Any dog or cat or other animal showing signs of rabies shall be treated in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-10. - Rabies to be reported.

Any person having information or knowledge of any animal showing signs of rabies or having been exposed to rabies or having bitten a human shall report such information to the Health Director in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-11. - Confinement of animals which have bitten a human or have been exposed to or are suspected of having been exposed to rabies.

- (a) Any dog, cat, puppy, kitten or other animal which has bitten a human shall be treated in accordance with the St. Louis County Animal Control Code.
- (b) Any dog, cat, puppy, kitten, or other animal that has been exposed to or is suspected of being exposed to rabies shall be treated in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-12. - Area quarantine.

Quarantine orders shall be issued in accordance with the St. Louis County Animal Control Code. All persons responsible for an animal shall comply with the requirements of the quarantine order as it applies to that animal.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-13. - Cooperation with enforcement officials—Right of entry.

It shall be unlawful for any person to conceal an animal or interfere with the health director or his/her designee, the director of public services or his/her designee, or police officers in the performance of their legal duties as provided in this chapter.

The health director or his/her designee and police officers shall have the right of entry onto any lots or lands for the purpose of collecting any dog, cat, or other animal, which is subject to impoundment pursuant to this chapter. The health director or his/her designee and police officers shall also have the right of entry to any lots or lands within any quarantined area during the period of such quarantine for the purpose of examining or obtaining any dog, cat, or other animal.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-14. - Humane treatment of animals.

Cruelty to animals shall be regulated in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-15. - Dangerous animals.

Dangerous animals shall be regulated and treated in accordance with the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-16. - Animals at large.

No animal shall be at large as defined and regulated in the St. Louis County Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-17. - Domestic animals and fowl.

- (a) It is unlawful to keep, maintain or allow to remain upon one (1) lot, tract or parcel of ground within the city, any sheep, goats, hogs, cows, horses, mink, rabbits, ducks, geese, pigeons, chickens, turkeys, bees (including honey bees) or other domestic animals or fowl, except as provided in this section.
- (b) Any person wishing to keep any of the above domestic animals in the city may file with the director of public services or his/her designee a written application for a permit, stating the location and facilities to be provided, the size of the premises of the applicant, the number of each to be kept and the purposes of keeping. If the director of public services or his/her designee approves the same, he/she may grant such a permit. Each permit is good for a period of one (1) year from the date thereof unless sooner revoked after hearing. With the exception of honey bees and chickens, the number of animals to be allowed under the permit shall not exceed three (3). The number of chickens allowed under the permit shall not exceed five (5). Honey bees will be limited to the number approved by the director of public services or his/her designee at the time of issuance of the permit. The facilities maintained by the permittee shall be inspected at any reasonable time, one (1) time each year, or more often as may be necessary to insure compliance with this section. Permits may be revoked or suspended for failure of permittee to provide adequate and/or humane facilities, or if animals or premises are deemed to be a nuisance.
- (c) Pot-bellied pigs or other domesticated swine are expressly prohibited within the City of Crestwood.
- (d) Nothing herein shall prohibit the keeping of the usual domestic animals and fowl, such as the usual children's pets, provided they are not deemed to be a nuisance.
- (e) All domestic animals, fowl and bees, while on the premises of their owner, shall be under the immediate control of their owner or custodian, or shall be securely restrained or enclosed in a suitable outbuilding or enclosure.
- (f) Any building or enclosure contemplated by this section must be kept in a clean and sanitary condition so that no offensive odors escape therefrom. Any building or enclosure must be cleaned at least every twenty-four (24) hours, so that no offensive odor or unsightly condition exists.
- (g) Any person having physical control/possession of any animal is responsible for disposing of any fecal matter deposited by that animal. This includes, but is not limited to, the owner's private property, someone else's private property, vacant property, streets, sidewalks, parking lots, common ground areas, and all public park areas.

(Ord. No. 4443, § 1, 11-26-13; Ord. No. 4564, § 1, 6-9-15)

Sec. 6-18. - Wild animals and birds.

- (a) No person, except a duly constituted zoological garden or wildlife rehabilitation center, operated and conducted with the consent of the city, may keep or maintain any wild or undomesticated or inherently dangerous exotic mammal or reptile of any kind. The term "any wild or undomesticated or inherently dangerous exotic mammal or reptile" includes any animals or reptiles known as wild, such as non-human primates, raccoons, skunks, foxes, poisonous reptiles, any venomous snakes, constrictor snakes, lions, tigers, leopards, panthers, bears, jaguars, wildcats, wolves or any cross-breed thereof, and others of this general class and description.
- (b) It shall be unlawful for any person to trap, hunt, shoot or attempt to shoot or molest in any manner any wild bird or wild fowl or to willfully molest, disturb or destroy the nests or eggs of any wild bird or wild fowl, or to keep any cat, or other fowl or animals in such a manner as to permit it to kill such

birds or animals. However, if starlings, pigeons or house sparrows congregate in any particular locality within the city in such numbers as to constitute a nuisance or menace and which, in the opinion of the director of public services or his/her designee or the chief of police or his/her designee, should be abated, such birds may be destroyed by licensed pest control practitioner.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-19. - Public nuisances; abatement; violation.

- (a) Every person responsible for a dog, cat, puppy, kitten or other animal shall keep it from creating a nuisance.
- (b) A dog, cat, puppy, or kitten or any other animal creates a nuisance if it:
 - (1) Soils, defiles, or defecates on property other than the property of a person responsible for the animal unless such waste is immediately removed by a person responsible for the animal and deposited in a waste container or buried in the ground where the person responsible for the animal has permission or the right to bury it.
 - (2) Damages public property or property belonging to a person other than a person responsible for the animal.
 - (3) Causes unsanitary or dangerous conditions.
 - (4) Causes a disturbance by excessive barking, howling, meowing or other noisemaking.
 - (5) Chases vehicles, including bicycles.
 - (6) Molests, attacks, bites, or interferes with persons or other animals on public property or property not belonging to a person responsible for the animal.
 - (7) Impedes refuse collection, mail delivery or meter reading or other public service activities by annoying persons responsible for such activities.
 - (8) Tips, rummages through, or damages a refuse container.
- (c) For purposes of enforcement of this chapter, the owner of or responsible person for a dog, cat, or other animal who creates a public nuisance as defined above, shall abate such public nuisance in accordance with the order of the director of public services or his/her designee. The failure to abate the public nuisance shall be deemed to be in violation of the provisions of this chapter. The director of public services or his/her designee shall inform the health director of any citations issued under subsection (b)(5)—(7).
- (d) Nothing herein shall be interpreted or construed to prevent the health director from classifying as dangerous animals those animals who cause certain nuisances within a timeframe and from impounding those animals in accordance with the St. Louis Animal Control Code.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-20. - Sale of certain animals and fowl prohibited.

- (a) *Chickens, chicks, ducks, ducklings*. No person may sell, at retail, any live chicks, chickens, ducklings or ducks, in any quantity within the city limits of the city.
- (b) *Rabbits*. No person may sell, at retail, any live rabbits in any quantity within the city limits of the city.

(Ord. No. 4443, § 1, 11-26-13)

Sec. 6-21. - Appeals.

Any person or persons, jointly or severally aggrieved by any decision of the director of public services or his/her designee, or any officer, department or board of the municipality may appeal in writing within fifteen (15) days after the issuance of such decision to the city administrator. Within thirty (30) days of the

issuance of the city administrator's decision on the appeal, any person or person who is aggrieved by the city administrator's decision may present to the circuit court of the county a petition, duly verified, setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality in accordance with appropriate state statute.

(Ord. No. 4443, § 1, 11-26-13)

Chapter 7 - BUILDINGS AND BUILDING REGULATIONS^[1]

Footnotes:

— (1) —

Cross reference— *Administration, Ch. 2; fire prevention and protection, Ch. 9; floodway/floodplain management, Ch. 10; licenses and business regulations, Ch. 13; planning and development, Ch. 19; sewers, Ch. 21; signs, Ch. 22; streets and sidewalks, Ch. 24; zoning and subdivision regulations, Ch. 26; posting of street address numbers, § 9-34; construction noises, § 13-37; building materials in streets, § 24-9; driveway entrances, § 24-56; public utilities taxes, § 25-41 et seq.*

State Law reference— *Power of city to regulate the construction of buildings, RSMo 79.450; construction materials standards, RSMo Ch. 701.*

ARTICLE I. - IN GENERAL

Sec. 7-1. - County codes—Adopted.

The following codes of St. Louis County, as the same may be amended from time to time, are hereby adopted as the codes of the City of Crestwood:

- (1) Building (as approved by St. Louis County on July 21, 2010—Ordinance 24,444);
- (2) Residential (as approved by St. Louis County on July 13, 2010—Ordinance 24,427);
- (3) Existing Buildings (as approved by St. Louis County on July 21, 2010—Ordinance 24,444);
- (4) Electrical Code (as approved by St. Louis County on July 14, 2010—Ordinance 24,439);
- (5) Explosives Code (as approved by St. Louis County on November 6, 1997—Ordinance 18,693);
- (6) Mechanical (as approved by St. Louis County on July 14, 2010—Ordinance 24,438); and
- (7) Plumbing (as approved by St. Louis County on July 14, 2010—Ordinance 24,441).

(Ord. No. 4257, § 2, 8-10-10)

Editor's note— Ord. No. 4257, § 2, adopted Aug. 10, 2010, deleted former § 7-1, and enacted a new § 7-1 as set out herein. Former § 7-1 pertained to the same subject matter and derived from Code 1965, § 22.021; Ord. No. 1824, §§ 1, 2, 5-26-81; Ord. No. 1828, § 1, 6-7-81; Ord. No. 2013, §§ 1, 2, 7-16-85; Ord. No. 3097, § 1, 1-24-89; Ord. No. 3343, § 1, 4-25-95; Ord. No. 3352, § 1, 6-13-95; Ord. No. 3393, § 1, 1-23-96; Ord. No. 3408, § 1, 4-9-96; Ord. No. 3480, § 1, 10-28-97; Ord. No. 3487, § 1, 1-13-98; Ord. No. 3536, § 1, 10-13-98; Ord. No. 3552, § 1, 2-9-99; Ord. No. 3628, § 1, 8-22-00; Ord. No. 3658, § 1, 3-27-01; Ord. No. 3803, § 1, 10-28-03; Ord. No. 3923, §§ 1, 2, 8-23-05 and Ord. No. 3974, § 1, 3-28-06.

Sec. 7-1.1. - Code enforcement—Scope of services.

County shall provide municipality code enforcement services in the manner prescribed in the applicable code provisions for the following areas:

- (1) Building Code
- (2) Residential Code

- (3) Existing Buildings Code
- (4) Mechanical Code
- (5) Plumbing Code
- (6) Electrical Code
- (7) Explosives Code

(Ord. No. 3924, § 1, 8-23-05)

Sec. 7-2. - Same—Enforcement.

- (a) *Agreement authorized.* The mayor, on behalf of the city, is hereby authorized to enter into an agreement with the county for the enforcement of the (1) amusements; (2) buildings; (3) electrical; (4) elevators; (5) explosives; (6) mechanical; (7) plumbing; and (8) weights and measures codes of the city by the county on the following terms, and more specifically in a form substantially in accord with the standard form contract attached to Ordinance No. 1825 and made a part of this section.
- (b) *Services rendered.* The county shall provide to the city code enforcement services in the following areas: (1) amusements; (2) building; (3) electrical; (4) elevators; (5) explosives; (6) mechanical; (7) plumbing; and (8) weights and measures.
- (c) *Terms of agreement.* The agreement shall commence on the first day of July, 1985, and continue from year to year; however, either party may terminate upon giving ninety (90) days' prior written notice.
- (d) *Fee collection.* The county's department of public works shall collect all fees pursuant to the enforcement of these codes, and said fees shall be retained by the county.
- (e) *Approval of plans.* In the event the city has adopted provisions more restrictive than those contained in the applicable county code, the city shall approve all plans prior to submission to the county's department of public works.
- (f) *Zoning, etc., compliance.* The city shall approve all plans for compliance with zoning, life safety, fire protection and suppression, or other regulatory ordinances prior to submission to the county's department of public works.

(Code 1965, § 22.022; Ord. No. 1825, §§ 1—6, 5-26-81; Ord. No. 2012, §§ 1—6, 7-16-85)

Secs. 7-3, 7-4. - Reserved.

Editor's note— Ord. No. 4185, § 1, adopted Apr. 14, 2009, repealed §§ 7-3, 7-4, which pertained to fire limits and building code committee. See the Code Comparative Table for complete derivation.

Sec. 7-5. - Compliance with building code.

If work upon any building shall be conducted in violation of this article, as to the use or application of material or workmanship, or by deviation from the approved plans or specifications or otherwise as provided under the building code adopted by this article, the building permit shall be revoked.

(Ord. No. 39, § 9, 5-11-50; Code 1965, § 22.05)

Sec. 7-6. - Denial or revocation of permits.

- (a) The director of public works may deny applications for building, excavation, electrical, plumbing or occupancy permits if, in connection with any pending matter in the city the applicant or his principal has failed to comply with the building code or other applicable ordinances of the city or has failed to comply with any lawful order, ordinance or requirement of the city, the Metropolitan St. Louis Sewer

District or the county or state health department and continues to remain in violation or default at the time of his application. None of the permits mentioned in this section may be issued contrary to the provisions of the zoning regulations.

- (b) The director of public works may deny or revoke any building, electrical, plumbing, excavation or occupancy permit in the following cases:
- (1) At any time before any occupancy or before any work has commenced under the building, excavation, electrical, plumbing or occupancy permits. In such case the permittee is authorized to claim a refund of the permit fees;
 - (2) If any person acting under and by virtue of the permits violates any ordinance of the city, the Metropolitan St. Louis Sewer District or the county or state health department;
 - (3) If any such person fails to comply with any lawful order or directive or other requirement of the city, the Metropolitan St. Louis Sewer District or the county or state health department; or
 - (4) If the board of aldermen shall, by resolution, declare its intention or desire to rezone or consider the rezoning of any tract of land or change the use regulations pertaining thereto, or to lease, purchase or otherwise acquire any tract or parcel of land for municipal purposes, a copy of such resolution shall within ten (10) days be filed with the planning and zoning commission and a copy thereof posted on the bulletin board in the city clerk/collector's office, and in such case no variance, building or occupancy permit, subdivision approval, special permit, zoning district change or use change pertaining to such land or any part thereof shall be granted, issued, recommended or approved during a period of one hundred twenty (120) days after the date of adoption of such resolution.

(Ord. No. 483, §§ 1—3, 11-18-58; Code 1965, §§ 22.07, 22.08)

Cross reference— Zoning, Ch. 26.

Sec. 7-7. - Stop work orders.

- (a) All officials who are authorized to issue permits for work or improvements to be performed or done in the city are hereby authorized to suspend any permit so issued in the event the permittee, his agents, servants or contractors violate any provision of the applicable ordinances of the city, and may order all work authorized by such permit to be suspended so long as the violation of the applicable ordinances continues; and no work shall be done after the issuance of such stop work order except as such as may be specifically authorized by the official for the purpose of accomplishing compliance with the provisions of the applicable ordinance or ordinances.
- (b) Any person performing, authorizing or directing any work in violation of a stop work order issued by the authorized official of this city shall be punished by a fine or imprisonment, or both, in the same manner and to the same extent as though he had violated a provision of the ordinance authorizing the issuance of the permit, and each day that work is continued in violation of such stop work order after posting of the stop work notice as hereinafter provided, shall constitute a separate offense.
- (c) Upon the issuance of a stop work order under the provisions of this section, a notice of the order shall be conspicuously posted on the premises, if private property is involved, or in close proximity to where any portion of the work is being done on any public place or on a street or sidewalk, and the posting of such notice shall constitute notice to the owners, contractors, subcontractors and all workmen and employees engaged in doing any work authorized under the permit.

(Ord. No. 683, §§ 1—3, 10-10-61; Code 1965, § 22.09)

Sec. 7-8. - Posting permit signs.

- (a) It shall be the duty of every person to whom a building permit has been issued and of every person in charge of construction for which a building permit has been issued to display in a prominent place on the premises, while construction is underway, a sign showing the number of the permit.
- (b) It shall be the duty of every person to whom a street excavation permit has been issued and of every person in charge of street excavation work for which a permit has been issued to display in a prominent place at the site of the excavation a sign showing the number of the permit.
- (c) The sign provided for in this section shall be issued with the permit, and it shall be securely nailed, tacked, taped or otherwise fastened on a stake, post, tree, fence, wall, building or other stationary object at the site of the work, in such a manner that it may readily be seen and read from the street.
- (d) If a sign as required hereby is lost, defaced or removed before the work is completed, the person to whom the permit was issued and the person in charge of the work shall have the duty of obtaining and posting a duplicate within twenty-four (24) hours.
- (e) No person shall, during the period in which any work is being done under a building or street excavation permit, alter, remove, deface, cancel, hide or obstruct the view of any sign required to be displayed under the provisions of this section.
- (f) No person shall display any such sign except at the site of the work being done under the permit for which it was issued.
- (g) When the work for which any sign herein provided for has been completed, the person to whom the sign was issued, or the person in charge of the work, or the director of public works shall remove the sign and immediately burn, tear or otherwise destroy it.

(Ord. No. 269, §§ I—VIII, 1-10-56; Code 1965, § 22.10)

Cross reference— Streets and sidewalks, Ch. 24.

Sec. 7-9. - Quonset type buildings.

Metal quonset type buildings, and buildings with galvanized or corrugated or other sheet metal exterior, having substantial and sufficient framework, to be approved by the director of public works, may be erected subject to the following limitations:

- (1) They shall not be permitted in the residential districts, excepting that in the "D" Residential District as defined by the zoning regulations such buildings may be constructed for garage or other accessory building purposes provided they are placed upon an approved concrete, brick or masonry foundation at least eighteen (18) inches high, having sufficient footings. The framework must be securely attached to the foundation.
- (2) In the local business districts and neighborhood business districts, they may be erected subject to the same conditions and for the same purposes as in the "D" Residential District.
- (3) No such building as authorized in the preceding two (2) paragraphs shall exceed thirty (30) feet in length or thirty (30) feet in width, and not more than one (1) such building may be erected for each six thousand (6,000) square feet of lot area, and must be located behind the main building.
- (4) In the Commercial and Light Industrial District, main buildings may be of such exterior provided they are of approved concrete, brick or masonry construction, with proper footings and foundations, to the height of the first floor windowsills, but in no event less than three and one-half (3½) feet above the ground, and the framework shall be securely attached to the concrete, brick or masonry wall.
- (5)

Accessory buildings in the Commercial and Light Industrial District shall be permitted, subject to the limitations set forth in paragraphs (1) and (3) above.

- (6) No metal or wood portion of such buildings shall come in contact with the ground.
- (7) Except as hereinabove authorized, no such buildings shall be erected in the city without special permission from the board of aldermen after public hearing with reasonable notice to the public, to be posted in at least three (3) public places in the ward in which the building is proposed to be erected, and such permission may be granted only upon the favorable vote of two-thirds (2/3) of the members of the board of aldermen.

(Ord. No. 130, § 1, 4-28-53; Code 1965, § 22.12)

Cross reference— Zoning, Ch. 26.

Sec. 7-10. - Building drains.

- (a) No drains from buildings not under a roof may be connected to any sewers in the city except as provided in this section.
- (b) In order to avoid hardship or unnecessary building costs, the director of public works may waive the foregoing requirement if proper precautions in the way of temporary barriers and coverings are provided for the building drain, to prevent silt and other objectionable matter from entering the sewer system or systems of the city or county, or of any private company or subdivision to which the building is connected, provided, however, that such alternative precautions meet the requirements and have the approval of the director of public works and the county plumbing department, whichever is authorized to make plumbing inspections of the city.

(Ord. No. 51, §§ 1, 2, 8-1-50; Code 1965, § 22.13)

Cross reference— Sewers, Ch. 21.

Sec. 7-11. - Driveways.

- (a) *Location*. All residences constructed in the city after September 13, 1955, shall be so located that a side driveway may be constructed, except that in the case of corner lots the driveway may be in the rear of the building with the entrance from the side street.
- (b) *Surface*. All driveways shall be surfaced so that mud or dirt shall not be carried onto sidewalks or streets, and, in the case of driveways sloping toward the street, the surfacing shall be of such nature that no rocks, gravel, mud or dirt shall be carried or washed onto the sidewalk or street.
- (c) *Maintenance*. Each single-family residence shall have its own separate driveway, and the owner shall be responsible for its proper construction and maintenance. No commonly owned driveway or easement shall serve two (2) or more single-family residences; provided, however, a property owner may permit another to use his driveway or cross his land so long as the owner shall keep and maintain such driveway in accordance with the provisions of this section.
- (d) *Joint use*. When the enforcement of this section would work a hardship on a property owner the board of aldermen may in its discretion grant an exception by special permit authorizing a common or joint driveway conditioned upon assumption of responsibility by one (1) or more of the owners for the upkeep and maintenance of the driveway, or the posting of a bond for that purpose.

(Ord. No. 248, §§ 1—4, 9-13-55; Code 1965, § 22.14)

Cross reference— Streets and sidewalks, Ch. 24.

Sec. 7-12. - Residence not appropriate to area.

- (a) *Definition.* The term "immediate vicinity" as used in this section shall mean within a distance of four hundred (400) feet on either side of the same street, and within a distance of three hundred (300) feet in all other directions.
- (b) *Conformity with other residences.* The director of public works shall inspect all plans of residences submitted to him with application for building permits and if he finds and determines that a proposed building plat calling for construction of a residence in the "AA," "A," "B" or "C" Residential Districts as established by the zoning regulations which has a cubical content of at least twenty-five (25) percent less than seventy-five (75) percent or more of the residences within the immediate vicinity of the lot on which the proposed building is to be erected; or if the building is to be constructed without a basement and at least seventy-five (75) percent of the other residences in the immediate vicinity have basements; or if the general appearance of the house, due to size, height, material used in construction or ground area is wholly out of keeping with such percentage of other houses in the immediate vicinity; or if the quality of the materials used in construction are such that the outward appearance of the house would detract from the appearance of the neighborhood; or if he finds that because of any of the circumstances herein set forth, or a combination thereof, the construction of the residence at the proposed location would tend to destroy or decrease property values in the immediate vicinity, as herein defined, and will adversely affect the neighborhood and the property rights of the inhabitants in the immediate vicinity and will adversely affect the interests of the city, the director of public works shall refuse to issue a building permit.
- (c) *Alterations.* The director of public works is authorized to suggest and recommend to the proposed builder such alterations and modifications in the structure which will bring it within suitable appropriateness to surrounding structures and may, if such suggestions or recommendations are accepted and followed and agreed to by the builder, issue a permit.
- (d) *Appeals.* If a building permit is refused by the director of public works as herein authorized and the builder is unwilling to accept the suggestions and recommendations for the alterations or modifications made by the director, the builder may within thirty (30) days from the date of refusal of the building permit, appeal to the board of aldermen for a review of the director's decision, and the board of aldermen shall promptly set the matter for hearing and make such disposition of the matter as shall be meet and proper and in the best interests of the city and the inhabitants thereof. If a builder fails to appeal within the period of thirty (30) days, his application for a building permit shall become void and of no further effect and he shall stand in the same position as though he had not applied for a building permit.
- (e) *Court appeal.* The proposed builder, if aggrieved by the decision by the board of aldermen upon appeal, may within thirty (30) days thereafter institute such action in the circuit court of the county as he may deem necessary and advisable to obtain a review of the board's action and that of the director, or to otherwise determine his right to a building permit, and in the event of his failure to institute such proceedings within thirty (30) days after the decision by the board of aldermen, he shall stand in the same position as though he had not applied for a building permit.

(Ord. No. 111, §§ 1—6, 9-9-52; Code 1965, § 22.15)

Cross reference— Zoning, Ch. 26.

Sec. 7-13. - Temporary structures.

- (a) As used in this section:

Other temporary structures shall include roadstands and all other structures not intended for human habitation and not conforming to the requirements of the building code and the zoning regulations.

Temporary residences shall include tents, trailers not located in an established and approved trailer court or trailer camp, whether on wheels or not, accessory buildings and all other structures not conforming to the requirements of the building code and zoning regulations.

- (b) No tent, barn, stable, garage or other accessory building or structure not conforming to the requirements of the building code and the zoning regulations and no temporary residences shall be erected or occupied for residential purposes, on a temporary or permanent basis, within the city, except in cases of hardship and under special permit from the board of aldermen.
- (c) No other temporary structure, other than a roadstand for the sale of produce raised on the premises, shall be erected or used within the city except on a temporary basis under special permit from the board of aldermen.

(Ord. No. 112, §§ 1—3, 9-9-52; Code 1965, § 22.16)

Sec. 7-14. - Demolition of buildings.

- (a) *Permit; application.* No building in the city may be demolished or torn down until the owner or person in charge of the work has applied to and received from the director of public works a demolition permit. The application for the permit shall set forth the method and means proposed to be used for demolishing the building, the time when the work shall commence and the anticipated time for completion. The director shall endorse upon the permit such conditions as may be necessary to prevent injury and damage to the public and adjacent or nearby property. It shall be the duty of the person to whom the permit is issued to see that all conditions of the permit are complied with.
- (b) *Permit fee.* The fee for issuance of the permit shall be twenty-five dollars (\$25.00), payable in advance.
- (c) *Deposit.* The permit shall not issue until the applicant has deposited with the city the sum of five hundred dollars (\$500.00) to guarantee the cleaning up of the premises and for back-fill of basements and all other excavations. The deposit shall be conditioned upon the work of cleaning up and back-filling being completed within thirty (30) days and if not completed within that time the city may use all or any portion of the deposit for those purposes.
- (d) *Extension of clean-up time.* For good cause shown the director of public works may extend the time for cleaning up and back-filling.

(Code 1965, § 22.18; Ord. No. 952, § 1, 7-26-66)

Sec. 7-15. - Permit for moving buildings.

- (a) *Definition.* The word "building" as used in this section shall include any structure or portion of a building or other structure.
- (b) *Required.* No building may be moved from one (1) location in the city to a new location in or outside the city limits, or from a location outside of the city to a location within the city, or moved through the city to another location outside the city limits until a permit for such work and moving has been issued by the director of public works. The application for the permit shall set forth the present location of the building, the place to which it is to be moved, the route to be traveled and the time and date that any streets in the city will be used for transporting the building.
- (c) *Conditions.* The director of public works shall endorse upon the permit any conditions that may be necessary to prevent injury and damage to the public and adjacent or nearby property. It shall be the duty of the person to whom the permit is issued to see that all conditions of the permit are complied with.
- (d)

Fee. The permit fee shall be two thousand dollars (\$2,000.00) to be paid to the director of public works at the time of issuance of the permit.

- (e) *Bond.* A bond in the sum of ten thousand dollars (\$10,000.00) shall be executed by the applicant and a surety company to be approved by the city attorney, and conditioned upon the faithful observance of the ordinances of the city and the conditions endorsed on the permit by the director of public works, which shall indemnify and save the city harmless from all costs the city may incur or suffer by reason of the city completing the moving of said building, placing it at the proposed site and completing construction to comply with the building code. Said bond shall also cover any injury and damage to the public and adjacent or nearby property, both public and private. A liability policy issued by an insurance company authorized to do business in Missouri, conforming to this section may be permitted in lieu of a bond.

(Code 1965, § 22.19; Ord. No. 952, § 1, 7-26-66; Ord. No. 959, § 1, 9-13-66)

Sec. 7-16. - Swimming pools.

- (a) No person shall install, erect, operate or maintain a public or private swimming pool within the city without first taking out a building permit and complying with the building, electrical and plumbing codes of the city.
- (b) No public or private swimming pool having a usable water depth when filled to over two (2) feet of water shall be installed, erected or operated or maintained without having the same enclosed with a minimum forty-eight-inch-high fence or other structure and which fence or adequate structure shall have a self-latching gate of the same height, with said latch being placed forty-eight (48) inches above the adjoining ground level. The fence or other adequate structure shall completely surround the pool and be at least three (3) feet away from the sides thereof. Said fence or adequate structure shall be kept securely locked at all times except when the pool is in use or operation. The posts of the fence shall be securely set and of sufficient number that the fence will be securely fixed.
- (c) Waste water from public swimming pools or private residential swimming pools must be disposed of in such a manner that nuisances and/or damage to other property is avoided. Such swimming pools shall be equipped to be completely emptied of water, and the requirements of the St. Louis Metropolitan Sewer District for the use of stormwater and sanitary sewers shall be complied with.
- (d) All swimming pools shall be so constructed and equipped and existing swimming pools shall be so altered, if necessary, to comply with this section.

(Code 1965, § 53.43; Ord. No. 988, § 1, 2-28-67; Ord. No. 1099, § 1, 10-22-68; Ord. No. 1110, § 1, 4-22-69; Ord. No. 1751, § 1, 8-28-79; Ord. No. 1757, § 1, 10-9-77)

Secs. 7-17, 7-18. - Reserved.

Editor's note— Ordinance No. 3366, § 1, adopted July 25, 1995, repealed § 7-18 in its entirety. Formerly, § 7-18 pertained to dish antennas and derived from Ord. No. 2028, § 1, adopted Sept. 24, 1985. Ord. No. 4185, § 1, adopted Apr. 14, 2009, repealed § 7-17, which pertained to fire hose specifications. See the Code Comparative Table for complete derivation.

Sec. 7-19. - Fire hydrants; water supply systems.

(a) *Fire hydrant placement.*

- (1) Single-family residential. In use groups R-3 and R-4, single-family residential developments, fire hydrant spacing shall not exceed six hundred (600) feet from hydrant to hydrant, or as special site conditions may dictate, as determined by the fire chief.

(2)

Multifamily residential. In use group R-2, multifamily residential developments, fire hydrant spacing shall not exceed four hundred (400) feet from hydrant to hydrant, or as special site conditions may dictate, as determined by the fire chief.

- (3) High hazard developments. In use group H, high hazard developments, fire hydrant spacing shall not exceed three hundred (300) feet from hydrant to hydrant, or as special site conditions may dictate, as determined by the fire chief.
 - (4) Other use group developments. In all other use groups, fire hydrant spacing shall not exceed four hundred (400) feet from hydrant to hydrant, or as special site conditions may dictate, as determined by the fire chief.
 - (5) Area to be provided with fire hydrants. Fire hydrants and water mains shall be placed along the full length of the property to be developed that abuts a street right-of-way. Variances may be required by the St. Louis County Water Company because of water quality considerations.
 - (6) Fire hydrant spacing. Spacing of fire hydrants along a public way shall be regulated by the use group classification of the development that abuts a street right-of-way.
 - (7) Private hydrants. Where a development, other than use group R-3 or R-4, is greater than one hundred fifty (150) feet from a public right-of-way, measured along the driveable access, additional private fire hydrants shall be required on said developed property, private streets and/or parking lots, at a spacing between fire hydrants as required for the use group as set forth hereinabove.
 - (8) No parking area at fire hydrants. Where fire hydrants are required to be installed in areas where vehicles would be parked or standing, said vehicle parking or standing shall be restricted for ten (10) feet in each direction from the fire hydrant.
 - (9) Prohibited locations for fire hydrants. Fire hydrants shall not be placed:
 - a. Within twenty-five (25) feet of an intersection, cross street, curblin or pavement edge thereof.
 - b. Within a cul-de-sac or "eyebrow" or within fifty (50) feet of either.
 - c. At any location where the fire hydrant could be damaged by vehicular traffic.
 - (10) Relocation of fire hydrants. Relocation of fire hydrants requested by a property owner and/or developer shall be relocated as specified by the St. Louis County Water Company policies and procedures.
- (b) *Fire department connection.*
- (1) No parking areas at fire department connections. When fire department connections are located in an area where vehicles may be parked or standing, said parking or standing shall be restricted for ten (10) feet in each direction from the fire department connection.
 - (2) The city requires that all fire sprinkler system water connections be located within one hundred fifty (150) feet of a fire hydrant connected to a public water supply. The fire hydrant shall be located on the same side of the approved access road as is the building or structure, however, this requirement may be waived by the City of Crestwood Fire Marshal.
- (c) *Color coding.*
- (1) Public fire hydrants. All public fire hydrant barrels are to be painted yellow. All fire hydrant bonnets are to be painted as follows:

Color	Water Main Size
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Green	Twelve-inch and larger
Orange	Eight-and ten-inch
Red	Six-inch and smaller

(d) *Supply systems, where required.*

- (1) Use groups R-3 and R-4. In use groups R-3 and R-4, single family developments, when the density is one (1) dwelling unit per ten thousand (10,000) square feet of developed property or less, and there are five (5) or more dwelling units in a single development.
- (2) Use group R-2. In use group R-2 multifamily residential developments, when there are four (4) or more dwelling units within one (1) building or structure.
- (3) Other use groups. In all other use groups, as required by the provisions of the latest BOCA Code.

(e) *General.*

- (1) Fire hydrant setback distance. All fire hydrants shall be set back from the curb or edge of pavement. The setback shall not exceed twelve (12) feet.
- (2) Minimum fire flow, single hydrant. The minimum fire flow from a single fire hydrant in any use group shall be one thousand five hundred (1,500) gallons per minute at twenty (20) psi residual pressure unless the new hydrant is ordered on a pre-existing main.
- (3) Minimum fire flow, next two (2) hydrants. The minimum fire flow from the next two (2) fire hydrants in any use group shall be a cumulative one thousand five hundred (1,500) gallons per minute at twenty (20) psi residual pressure.
- (4) Fire hydrant connection height. Fire hydrants shall be installed a minimum of fourteen (14) inches and a maximum of thirty-six (36) inches above finished grade, measured from the center of the steamer connection.
- (5) Fire hydrant type. All fire hydrant types shall be approved by the American Water Works Association (AWWA) and/or St. Louis County Water Company.
- (6) Obstructions. There shall be no planting, bushes, trees, signs, light standard or any obstruction within six (6) feet of any fire hydrant in all directions.
- (7) Post indicator valves. All sprinkler systems, except limited area sprinkler systems, shall be provided with a post indicator valve that shall control the water supply to all automatic fire sprinkler systems in that building.

(f) *Restrictions.*

- (1) Use groups R-3 and R-4. There shall be no more than six (6) dwelling units constructed prior to the installation of a public water system with fire hydrants as set forth herein so as to be accessible for fire department use in the event of a fire emergency.
- (2) Other use groups. In all other use groups, public water systems with fire hydrants shall be installed with the commencement of construction.

(g) *Water flow.*

- (1) Water flow tests. Water flow tests for fire sprinkler systems shall be conducted between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday.

- (2) Water flow safety factor. A safety factor shall be applied to all flow tests for fire sprinkler systems. A parallel curve shall be drawn to the actual flow test curve that has been reduced by twenty (20) percent of the static pressure. A sprinkler system design shall not exceed the twenty-percent curve.

(h) *Fire sprinkler.*

- (1) Fire sprinkler systems. All automatic fire sprinkler system control valves and fire sprinkler system flow alarms, shall be supervised by one (1) of the following methods:
 - a. Approved central-station system in accordance with NFPA 71; or
 - b. Approved remote-station system in accordance with NFPA 72C.
- (2) Reserved.

(Ord. No. 3189, § 1, 5-14-91; Ord. No. 4395, § 1, 1-22-13)

Editor's note— Ord. No. 3189, § 1, adopted May 14, 1991 amended the Code by adding provisions to Ch. 7. Such provisions were designated as § 7-19 at the discretion of the editor.

Sec. 7-20. - Notification to city of successor of existing utility service.

- (a) For any month when there is a change of user of residential (rate 001) or nonresidential (rate 043) electric service within the city, Union Electric Company shall notify the director of public works of the city in writing within seven (7) working days after the end of the month of said changes, indicating the address and apartment or unit number, and the name(s) of electric user(s) per service and address and apartment or unit number in whose name service is connected or billed.
- (b) Union Electric shall submit annually to the city an invoice for its cost associated with this section. The initial cost of this service shall not exceed one hundred fifty dollars (\$150.00) per year. Future price increases, if any, will only reflect the actual cost incurred by Union Electric to provide this service. The city shall pay to Union Electric the amount of the invoice within thirty (30) days of receipt.

(Ord. No. 3256, §§ 1, 2, 5-25-93)

Secs. 7-21—7-31. - Reserved.

ARTICLE II. - PROPERTY MAINTENANCE CODE^[2]

Footnotes:

— (2) —

Editor's note—Ord. No. 3904, §§ 1—5, adopted May 24, 2005, repealed the former Art. II, §§ 7-31—7-60, and enacted a new Art. II as set out herein. The former Art. X pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

State Law reference— *Dangerous apparatus used in buildings which may cause fires, RSMo 79.450; inadequate and deficient housing, RSMo 441.500 et seq.*

Sec. 7-32. - Property maintenance code adopted.

That certain document, copies of which are on file in the city clerk's office and the office of the public works director, City of Crestwood, being marked and designated as the International Property Maintenance Code, 2003 edition, ("IPMC-2003") as published by the International Code Council, be and is hereby adopted as the property maintenance code of the City of Crestwood for the control of buildings and structures as provided therein, with the additions, insertions, deletions and amendments prescribed in this chapter.

Sec. 7-33. - Amendments to the IPMC—2003.

(a) Chapter 1—Administration.

101.1 Title. These regulations shall be known as the Property Maintenance Code of the City of Crestwood, Missouri, hereinafter referred to as this "code".

101.2 Scope. The provisions of this code shall apply to all residential rental Dwelling Units and Premises, all non-residential Structures and Premises, and the Exterior Property, Structures and Equipment of all residential owner-occupied Dwelling Units. As applicable, this code constitutes minimum requirements and standards for Premises, Structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of Owners, Operators and Occupants; the occupancy of existing Structures and Premises, and for administration, enforcement and penalties.

101.3 Intent. This code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as they are affected by the continued occupancy and maintenance of Structures and Premises. Existing Structures and Premises that do not comply with the applicable provisions herein, shall be altered or repaired to provide a minimum level of health and safety as required herein.

102.3 Application of other codes. The Building, Plumbing, Mechanical and Electrical codes referenced in this code and listed in Chapter 7, Section 7-1 of the Crestwood Code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and other referenced codes, the provisions of this code shall apply. Nothing in this code shall be construed to cancel, modify or set aside any provision of the Zoning Ordinance of the City of Crestwood.

102.4 Existing Remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the removal or demolition of any Structure which is dangerous, unsafe, unsanitary or constitutes a nuisance.

102.7 Referenced Code and Standards. Deleted.

103.1 General. The official in charge and vested with authority hereunder shall be known as the "code official".

103.2 Appointment. The code official shall be the Director of Public Works, City of Crestwood, or such other person as appointed by the City Administrator.

103.5 Fees. A Fee Schedule for activities and services performed hereunder (attached as Exhibit 1) is adopted herewith and is subject to periodic changes by action of the Board of Aldermen.

104.3.1 Reinspections. At the time any non-complaint condition(s) has been corrected, the code official shall make a reinspection of the Premises and issue an amended report.

104.5 Identification. The code official and any approved agencies or individuals shall carry proper identification when inspecting Structures or Premises in the performance of duties under this code.

106.1 Unlawful Acts. It shall be unlawful for a person, firm, or corporation to be in conflict with or in violation of any of the applicable provisions of this code.

107.3 Method of Service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally to the Owner of record.
2. Sent by certified or first-class mail addressed to the last known address of the Owner; or
3. If the notice is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the Structure affected by such notice.

111.1 Application for Appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall, upon payment of the applicable filing fee, have the right to appeal to the board of appeals, provided that a written application for appeal is filed within twenty (20) days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

111.2 Membership of the Board. The board of appeals shall consist of the City of Crestwood Public Works Board.

111.2.1 Deleted.

111.2.2 Deleted.

111.2.3 Deleted.

111.2.4 Deleted.

111.2.5 Deleted.

111.3 Notice of Meeting. The board of appeals shall meet within forty-five (45) days of the filing of an appeal.

(b) Chapter 2—Definitions.

201.3 Terms Defined in Other Codes. Where terms are not defined in this code and are defined in the Crestwood Municipal Code or the codes set forth in Chapter 7, Section 7-1, such terms shall have the meanings ascribed to them as in those codes.

202 General Definitions. Add the following:

Accessory building or structure: A portion of the main building or detached subordinate building or structure located on the same lot, the use of which is customarily incidental to that of the main building or to the use of the land. Where a substantial part of the wall of an accessory building is a part of the main building or where an accessory building is attached to the main building in a substantial manner by a roof, such an accessory building shall be considered to be part of the main building.

Blight: A state of physical exterior deterioration of premises which is conducive to ill health, transmission of disease and/or degradation of neighborhood property values.

Board of Appeals: The board of appeals is comprised of the Public Works Board, City of Crestwood.

Code Official: The code official is the Director of Public Works or such other person as appointed by the City Administrator.

Deterioration: The condition or appearance of a building and surrounding yard or part thereof characterized by evidence of external physical decay, neglect or lack of maintenance, such as, but not limited to, excessive paint peeling; loose bricks, masonry or siding; missing shingles; broken windows or screens; large cracks or breaks in exterior walls or foundation.

Repair: To restore to a sound and acceptable state of appearance as required by this code. Repair shall be expected to last approximately as long as would the replacement by new items.

(c) Chapter 3—General Requirements.

301.2 Responsibility. The Owner of the Premises shall maintain the Structures and Exterior Property in compliance with these requirements, except as otherwise provided for in this code. A person shall not occupy as Owner-Occupant or permit another person to occupy Premises which are not in a sanitary and safe condition and which do not comply with the requirements of this chapter.

302.4 Weeds. All premises and exterior property shall be maintained free from weeds or plant growth in excess of eight (8) inches (203mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided, however, this term shall not include cultivated flowers and gardens.

302.7.1 (New) Gates. Gates which are required to be self-closing and self-latching in accordance with the Building Code listed in Chapter 7, Section 7-1, of this code shall be maintained such that the gate will positively close and latch when released from a still position of six (6) inches (152mm) from the gatepost.

302.7.2 Fences. All fences shall comply with the following requirements:

- a) Fencing shall only be comprised of standard fencing material, including chain-link, vinyl, wood, or other materials as approved by the Director of Public Works.
- b) Wooden fences, including any posts, shall consist of materials produced in a lumberyard or mill and the components shall be of nominal size.
- c) All fence posts shall be of the same material and shall have a uniform appearance from the ground to the top of post.
- d) All fencing materials shall be of the same composition and be complementary to the posts.
- e) Painted fences shall be of one (1) color which is compatible with the color of the home located on the parcel.
- f) All fences shall be kept in good repair and shall not be allowed to deteriorate to an unsound or unsightly condition. Repairs shall be made with materials that match the balance of the fence.
- g) The construction of two (2) fences on a property line by the same owner is prohibited.
- h) All new fence installations shall be erected with the smooth side facing outward. All posts shall be located on the inside of the fence.
- i) Electric (invisible pet containment) fences installed after February 1, 2012 shall be permitted only if such fences are installed a minimum of two (2) feet from the front or side property lines. Such fences shall not extend into the public right-of-way.

302.10 Site Maintenance (Residential). All site maintenance (exterior) shall be done not earlier than 7:00 a.m. and not later than 9:00 p.m., Monday-Friday, and not earlier than 8:00 a.m. and not later than 9:00 p.m. Saturday and Sunday.

302.11 Site Maintenance (Non-Residential). All site maintenance (exterior), including parking areas, shall be done not earlier than 7:00 a.m. and not later than 7:00 p.m., Monday through Saturday.

304.10 Stairways, Decks, Porches and Balconies. Every exterior stairway, deck, porch, balcony, roof assembly, cover, handrail, guard, tread, riser and all appurtenances attached thereto, shall be maintained structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads.

304.10.1 (New) Stair Dimension Tolerances. Treads and risers shall be significantly the same in depth or height so as to not create a trip hazard.

304.12 Handrails and Guards. Every flight of stairs which is more than four (4) risers high shall have a handrail on at least one (1) side of the stair, and every open portion of a stair, landing or balcony which is more than thirty (30) inches (762mm) above the floor or grade below shall have guards. Every handrail and guard shall be firmly fastened and capable of supporting normal imposed loads and shall be maintained in good condition.

304.12.1 (New) Handrail and Guard Installations. The replacement or installation of handrails and/or guards shall be in accordance with the Building Code listed in Chapter 7, Section 7-1, of this code.

304.7.1 (New) Rooftop Mechanical Equipment. Any rooftop mechanical equipment shall be properly screened and maintained in good condition.

304.14 Insect Screens. Insert the dates "May 15 to October 15".

(d) Chapter 4—Light, Ventilation and Occupancy Limitations.

401.2 Responsibility. The Owner of the Structure shall provide and maintain light, ventilation and space conditions in compliance with these requirements. A person shall not permit another person to occupy any Premises that do not comply with the requirements of this chapter.

403.3 Cooking Facilities. Cooking shall not be permitted in any rooming unit or dormitory unit, and a cooking facility or appliance shall not be permitted to be present in a rooming unit or dormitory unit.

Exception: Where specifically approved in writing by the code official.

404.3 Minimum Ceiling Heights. Deleted

(e) Chapter 5—Plumbing Facilities and Fixture Requirements.

501.2 Responsibility. The Owner of the Structure shall provide and maintain such plumbing facility and plumbing fixtures in compliance with these requirements. An Owner shall not permit another person to occupy any Structure or Premises which does not comply with the requirements of this chapter.

507.1 General. Drainage of roofs and paved areas, yards and courts, and other open areas on the premises shall not be discharged in a manner that creates a public nuisance. Storm water shall be directed in accordance with Section 26-191 of the Crestwood Code.

(f) Chapter 6—Mechanical and Electrical Requirements.

601.2 Responsibility. The Owner of the Structure shall provide and maintain mechanical and electrical facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any Premises which does not comply with the requirements of this chapter.

602.2 Residential Occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 65° F (18° C) in all habitable rooms, bathrooms and toilet rooms based on the winter outdoor design temperature for the locality indicated in the codes listed in Chapter 7, Section 7-1 of the Crestwood Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

602.3 Heat Supply. Every Owner and Operator of any building who rents, leases or lets one (1) or more dwelling units, rooming units, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the Occupants thereof shall supply heat during the period from October 1 to May 15 to maintain a temperature of not less than 65° F (18° C) in all habitable rooms, bathrooms, and toilet rooms.

Exception: When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in the codes listed in Chapter 7, Section 7-1 of the Crestwood Code.

602.4 Occupiable Work Spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to May 15 of each year to maintain a temperature of not less than 65° F (18° C) during the period the spaces are occupied.

Exception: Processing, storage and operation areas that require cooling or special temperature conditions; 2. Areas in which persons are primarily engaged in various physical activities.

604.2 Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the electrical code adopted in Chapter 7, Section 7.1.

(g) Chapter 7—Fire Safety Requirements.

701.2 Responsibility. The Owner of the Premises shall provide and maintain such fire safety facilities and equipment in compliance with these requirements. A person shall not permit another person to occupy any Premises that do not comply with the requirements of this chapter.

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the Fire Code, Chapter 9, Section 9-36.

702.2 Aisles. The required width of aisles in accordance with the Fire Code, Chapter 9, Section 9-36 shall be unobstructed.

702.3 Locked Doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the Building Code, Chapter 7, Section 7-1.

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the Fire Code, Chapter 9, Section 9-36.

704.2 Smoke Alarms. Single or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a Dwelling Unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In Dwellings or Dwelling Units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent level provided that the lower level is less than one (1) full story below the upper level.

Single or multiple-station smoke alarms shall be installed in other groups in accordance with the Fire Code, Chapter 9, Section 9-36.

(Ord. No. 3904, § 3, 5-24-05; Ord. No. 3945, §§ 1, 2, 11-22-05; Ord. No. 4335, § 1, 1-10-12)

Sec. 7-34. - Appeals.

Sections 111.1 - 111.8 of the IPMC-2003, as amended herein, govern appeals under this code.

(Ord. No. 3904, § 4, 5-24-05)

Sec. 7-35. - Violations.

Sections 106.1 - 106.5 of the IPMC-2003, as amended herein, and Sections 107.1 - 107.5, as amended herein, govern violations, prosecutions therefore and penalties under this code.

(Ord. No. 3904, § 5, 5-24-05)

Secs. 7-36—7-80. - Reserved.

ARTICLE III. - GRADING AND EXCAVATING^[3]

Footnotes:

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Editor's note—Ord. No. 3889, §§ 1—3, adopted Feb. 22, 2005, repealed the former Art. III and enacted a new Art. III to read as set out herein. Formerly, Art. III consisted of §§ 7-81—7-88, which pertained to similar provisions and derived from §§ 28.01—28.08 of the 1965 Code; Ord. No. 147, §§ 1—7, adopted Sept. 29, 1953; Ord. No. 513, § 2, adopted Apr. 21, 1959; and Ord. No. 686, §§ 2—7, adopted Nov. 14, 1961; Ord. No. 3387, § 1, adopted Oct. 24, 1995.

State Law reference— Undergound Facility Safety and Damage Prevention Act, RSMo 319.010 et seq.

Sec. 7-81. - Definitions.

For the purpose of this article, the following terms, phrases, words, and their derivations shall have the meaning given herein.

Adverse impact: A negative impact on land, water, and associated resources resulting from grading activity. The negative impact includes increased risk of flooding, degradation of water quality, increased off-site sedimentation, reduced groundwater recharge, adverse effects on aquatic organisms, wildlife, and other resources, and threats to public health, welfare and safety.

Applicant: The person responsible for the grading activity who executes the necessary forms to obtain a grading permit subject to this chapter. This definition encompasses co-applicants.

Best management practices or BMPs: Practices, procedures or a schedule of activities to reduce the amount of sediment and other pollutants in stormwater discharges associated with construction and grading activities. For examples of BMPs, refer to the City of Crestwood's Sediment and Erosion Control Manual.

City: The City of Crestwood.

Clearing: Any activity that removes vegetative surface cover.

Code: Crestwood Municipal Code.

Contractor: A person who contracts with the owner, developer, or another contractor to undertake any or all grading activities covered by this chapter. This definition encompasses subcontractors.

Developer: Any person causing the performance of grading activities, and/or any subsequent construction activity associated with improvements or modifications on any portion of the site.

Department: The Department of Public Works of the City of Crestwood.

Director of public works (director): The Director of Public Works for the City of Crestwood, Missouri, or an authorized representative of the director of public works.

Erosion: The wearing away of the land surface by the action of wind, water or gravity.

Erosion control or sediment control: Practices, measures or a schedule of activities to reduce the wearing away of the land and reduce the sediment and other pollutants carried by stormwater, wind or gravity.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Existing grade: The vertical location of the existing ground surface prior to excavation or filling.

Fill or filling: Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated and shall include the conditions resulting therefrom.

Finished grade: The final grade or elevation of the ground surface conforming to the proposed design.

Grading or grading activity: Clearing, excavation or fill or any combination thereof and shall include the conditions resulting from any excavation or fill.

Grading permit: Written approval from the City of Crestwood authorizing grading activities.

Grading plan: A plan that accurately depicts a representation of the existing, intermediate and final grading prior to construction of improvements and structures.

Heavy rain: A rainfall event of one-quarter (0.25) or more inches of precipitation.

Inspector: A person who, under the direction of the director of public works, reviews any grading activity for compliance with this chapter.

Licensed engineer: A person registered as a professional engineer in the State of Missouri by the Missouri Board of Architects, Professional Engineers and Land Surveyors.

Manual: See sediment and erosion control manual.

Natural watercourse: A channel formed in the existing surface topography of the earth prior to changes made by unnatural conditions.

Non point sources and land disturbance permits (NPDES): Refers to Section 402 of the Missouri Department of Natural Resource's Water Pollution Control Program.

Owner: A person, firm, or governmental agency, or other entity holding legal title, or possession or control of the land.

Permittee: The applicant in whose name a valid permit is duly issued pursuant to this chapter, and his/her agents, employees, and others acting in his/her direction.

Person: Any individual, firm, partnership, joint venture, association, club, fraternal organization, corporation, estate, trust, receiver, organization, syndicate, city, county, municipality, district, or other political subdivision, or any other group or combination acting as a unit, and any agency or instrumentality thereof.

Sediment or sedimentation: Solid material, mineral or organic, that has been moved from the point of origin by erosion.

Sediment and erosion control manual (manual): A manual which establishes minimum requirements, and provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development for non-agricultural uses, and to preserve the natural terrain and waterways within the incorporated limits of the City of Crestwood.

Site: Contiguous lots, tracts, projects or subdivisions of a single owner or several owners.

Site development: Altering terrain and/or vegetation and constructing improvements.

Stormwater pollution prevention plan (SWPPP): The SWPPP covers required sediment and erosion control practices specific to site conditions and maintenance and adherence to the SWPPP plan. Its purpose is to ensure the design, implementation, management and maintenance of BMPs in order to reduce the amount of sediment and other pollutants in stormwater discharges associated with land disturbance activities, comply with the Missouri Water Quality Standards and ensure compliance with the terms and conditions of the NPDES.

Streambank, top of existing: The usual boundaries, not the flood boundaries, of a stream channel. The top of the natural incline bordering a stream.

State Law reference— "Excavation" defined, RSMo 319.015.

Sec. 7-82. - Grading permit required.

Except as herein provided, no grading activity shall commence on any site without obtaining a grading permit from the department. Such activities include clearing, excavation, fill, or any combination thereof within the limits of the property. These activities must be shown on an approved grading plan and in accordance with an approved SWPPP. A separate permit shall be required for each site, provided however that one (1) permit may cover both the excavation and fill made from excavated materials. This permit shall not be issued for new development until all improvement plans and final plans have been approved.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-83. - State of Missouri permits required.

The permit applicant must also obtain a land disturbance permit from the State of Missouri Department of Natural Resources for any site where one (1) acre or more of land will be disturbed, before beginning any work authorized by a city permit. This requirement applies to sites of less than one (1) acre that are part of a proposed development that will ultimately disturb one (1) acre or more.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-84. - Exceptions.

A grading permit shall not be required in the following instances, provided that no change in drainage patterns or sedimentation onto adjacent properties will occur:

- (1) Grading for the foundation or basement of any building structure or swimming pool for which a building permit has been duly issued.
- (2) Grading of less than five (5) cubic yards for sites ten thousand (10,000) square feet or less or less than ten (10) cubic yards for sites in excess of ten thousand (10,000) square feet.
- (3) Grading for or by any public utility for the installation, inspection, repair or replacement of any of its facilities.
- (4) Grading of property for or by any governmental agency in connection with a public improvement or public work on said property.
- (5) Grading of land for nurseries, landscaping, or gardening or similar horticultural use whenever there is substantial compliance with recommendations or standards of the local soil conservation authority.
- (6) Grading activities in public rights-of-way covered by an excavation permit.
- (7) Trench excavation covered by a construction permit.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-85. - Minimum requirements.

The manual, as may be updated and modified by the department, sets forth minimum requirements that must be met in order to obtain a grading permit. This document also provides guidance and additional resources to facilitate control of soil erosion on land that is undergoing development.

No permit shall be issued until the applicant has deposited with the city a sum covering the cost of all review, inspections or other administrative costs hereunder as determined by the director of public works. The director of public works shall estimate the cost using the schedule of fees as listed in the manual and

any other costs as deemed necessary. The director of public works also maintains the right to waive any and all fees.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-86. - Application procedure.

An application for a grading permit shall be in writing on forms provided by the department, and submitted to the department. The application shall be completed in the form and manner prescribed by the department and shall include required information as outlined in the manual. The grading plan and the SWPPP shall be prepared and sealed by a licensed engineer, unless the requirement is specifically waived by the director of public works.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-87. - Surety.

- (a) *Performance guarantee.* Prior to the issuance of a grading permit, the applicant shall deposit a surety with the city as determined by the director of public works as required for particular sites. Said grading permit shall be issued upon the approval of the department and the applicant depositing with the city a sum equal to that which would be required to guarantee the performance, restoration, maintenance and/or rehabilitation of said site based upon the approved grading plans and the approved SWPPP.
- (b) If at anytime the department determines that the surety deposited with the city is in an amount that is not sufficient to guarantee the performance, restoration, maintenance and/or rehabilitation of the site based upon the approved grading plans and the approved SWPPP, the permittee shall deposit additional surety with the city in an amount determined by the department within fifteen (15) days after receiving notification from the department. If the permittee does not deposit the additional surety with the city, the department may issue a stop work order as outlined in subsection 7-93(f) of this chapter.
- (c) The surety shall be released as detailed in the manual.
- (d) Any portion of the deposit not expended or retained by the city hereunder shall be refunded when the grading operation is completed and the soil and drainage conditions are stabilized to the satisfaction of the city.
- (e) The director may perform, or have performed, any work necessary to restore, maintain and/or rehabilitate the site based upon the approved grading plan, approved SWPPP, and/or the requirements of this chapter. All costs incurred in the performance of this work shall be charged against the surety the applicant deposited for the grading permit. By applying for a grading permit, the applicant consents to the city or its contractor entering the property and holds them harmless regarding any work that they perform.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-88. - Inspections.

By applying for a grading permit, the applicant consents to the city inspecting the proposed development site and all work in progress. Inspections shall be made by the department and the applicant as detailed in the manual. Applicant shall notify the city upon commencement and completion of the following; clearing, rough grading, finish grading before seeding; and all reestablishment and construction work. Said notice shall be in writing to the department.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-89. - Use of streets during grading operations.

- (a) *Notice:* At least five (5) working days prior to the use of any street in the city by trucks or equipment engaged in grading activities the contractor in charge shall be required to submit a written report to the department, specifying the kind and description of trucks or equipment, and the loaded, and unloaded weight of trucks and hauling equipment, and the number of each and the length of time they will be required to use the streets of this city. The contractor shall furnish the department with all other information required of him to estimate or determine the amount of wear and tear, or damage, if any, that may be caused to streets by such usage. The applicant shall also provide the department visual documentation, such as a video, and/or photographs, of the existing condition of the streets to be used. Before construction actually commences or while the work on the streets is in progress, the department may require the applicant to post a pavement restoration bond, in such sum as is directed by the department, with the city to guarantee the city compensation for any damage to streets, curbs, sidewalks or public facilities.
- (b) *Routes:* The department shall, at least two (2) working days before the commencement of work and usage of the streets of the city, notify the contractor of the route or routes to be used by such trucks and equipment. The permittee and contractor shall be charged with the duty of seeing that the trucks or equipment use only the route or routes approved by the department. In the event of any emergency requiring a change in route or routes, or if the director finds or determines that any route or routes so designated are not safe or that excessive damage is being caused to any street or streets in the city by such usage, or if he finds the welfare of the city so requires, he may order that the trucks or equipment use only the alternate route or routes so designated by the director.
- (c) *Inspection:* The director shall cause a thorough inspection to be made of the condition of the pavement of the streets designated and used under the permit as well as the curbs and sidewalks, and shall make written reports of his findings, including with his report after termination of the work, his estimate of the cost of restoring the street, curbs and/or sidewalks to their original condition.
- (d) At the time the department of public works approves the route or routes to be used as provided in section 7-88, the applicant shall be notified that the city will hold the applicant liable for unusual wear and tear or damage to the streets, curbs, and sidewalks resulting from such usage, and that acceptance of the route or routes by the applicant shall constitute an agreement on his part to pay the reasonable cost of restoring the streets, curbs and sidewalks in question to their original condition. Within thirty (30) days after notification, the applicant shall cause the streets, sidewalks and curbs to be restored to their original condition. Failure to affect the repairs shall be cause for action against the surety.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-90. - Effect of grading on others.

No grading shall be completed on any property which will adversely affect neighboring properties by discharging, directing or obstructing water flow in such a way that it causes damage to any neighboring properties.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-91. - Construction dirt, debris, waste.

- (a) *BMP's at construction site:* The permittee, the owner of the property, contractor or developer in charge of work, shall construct and maintain temporary siltation control devices or other approved measures to prevent washing or spreading of mud and dirt. Until final surfacing is in place, which will avoid washing or spreading of dirt and mud onto other property or improvements, all such material must be removed as necessary on a daily basis. In the event that the BMP's in place are ineffective or experiencing failure on a consistent basis, such measures shall be fortified or replaced with more appropriate measures as directed by the director of public works.
- (b) *Removing mud from vehicle wheels:* The permittee, owners, contractors, and developers, jointly and severally, shall provide their personnel with shovels, a washdown station, or other equipment as necessary to remove dirt from the wheels of all vehicles leaving any clearing or grading site where mud has accumulated on the wheels, before such vehicles enter any public or private street of the city. It shall be unlawful for the permittee, or any owner, contractor, or developer to permit any vehicle to leave such place with mud on the wheels which is liable to be dispersed over any public or private street of the city. It shall be unlawful for any driver of a vehicle to enter upon the public or private streets of the city without having removed or had mud removed from the wheels prior to such entry. Each occurrence shall be a separate offense.
- (c) *Spilling materials on streets:* The permittee, owners, contractors, and developers, jointly and severally, who may load dirt, mud or other materials on any vehicle at any grading site in the city, during construction or otherwise, shall so load the same that no portion thereof shall be spilled or be liable to be spilled on the streets of the city. It shall be unlawful for any driver to operate a vehicle on the streets of the city which is loaded in such manner that it spills or is liable to spill mud, dirt, or other materials on the streets.
- (d) *Boards over sidewalks:* Boards, tracks, or other protection must be laid over sidewalks, curbs and gutters to avoid dirt and mud accumulating therein, as completely as possible and to prevent breakage or damage to such installations, of whatever material constructed. Damage to walks, curbs and gutters will be repaired by the permittee, owner, contractor, or developer, or the director may, upon ten (10) days' notice, cause to have them repaired at the permittee's, owner's, contractor's or developer's expense.
- (e) *Waste material:* During the course of construction, excavation, or grading, the permittee, owners, contractors, and developers are required to collect and dispose of all paper, refuse, sticks, lumber and other building waste, and all other waste material, and to prevent the same from blowing or otherwise being scattered over adjacent public or private property. Any waste material that is blown or scattered over the site, as well as, on any adjacent public or private property, shall be picked up daily, and disposed of properly. Washout from concrete trucks must be controlled in a manner so as not to adversely impact the site, adjacent public or private property, or adjacent streams and storm sewer systems.
- (f) *Sanitary facilities:* Adequate provisions must be made for sufficient temporary sanitary facilities to serve the number of workers on the site.
- (g) *Planting ground:* All disturbed areas shall be sodded, planted, concreted, paved or otherwise surfaced within fourteen (14) calendar days after completion of each phase of work, to avoid washing or spreading of dirt and mud onto other property, sidewalks, curbs, gutters, streets and the space between sidewalks and curbs. If determined by the city that an undue hardship exists because of unfavorable ground conditions, the city may grant an extension of time by which the disturbed areas have to be surfaced.

- (h) *Timing of grading operations:* All grading activity shall be conducted between the hours of 7:00 a.m. and 7:00 p.m., Monday through Saturday, unless in the case of an emergency or an extension of hours is specifically granted by the director of public works.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-92. - Spill prevention and control facilities.

- (a) The permittee shall take appropriate measures to prevent spills, and shall develop necessary control facilities for materials such as paint, solvents, petroleum products, chemicals, toxic or hazardous substances, substances regulated under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), and any wastes generated from the use of such materials and substances, including their containers. Any containment systems employed to meet this requirement shall be constructed of materials compatible with the substances contained and shall be adequate to protect both surface and ground water.
- (b) On-site fueling facilities shall adhere to applicable federal and state regulations concerning storage and dispensers.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-93. - Enforcement.

- (a) *Agency responsibility:* Enforcement of this chapter shall be the responsibility of the city or official(s) as determined by the city.
- (b) *Responsible parties for enforcement purposes—Defined:* The party or parties responsible and liable for actions or non-action taken in relation to this chapter, including responsibility for abating violations of this chapter, shall be the owner, applicant, any co-applicants, permittee, contractor, developer and any other responsible party and employees thereof.
- (c) *Complaints:* The city shall receive complaints and inquiries and route the complaint/inquiry to the appropriate responsible enforcement agency.
- (d) *Notice of violation/stop work order:* If a complaint investigation or inspection results in a finding of noncompliance with this chapter, the appropriate inspector is authorized to issue a notice of violation (NOV) that may, at the discretion of the inspector, include a stop work order (SWO).
- (e) *Content of NOV:* The NOV shall specify the deficiencies, what corrective action is necessary, and a specific timeframe in which the responsible party is to achieve compliance.
- (f) *Stop work order:* Issuance of a SWO shall result in a suspension of all construction activity on the site, except for work related to remediation of the violation, until the violation is resolved to the city's satisfaction. The SWO shall also suspend the right of the permittee, applicant, owner, contractor, developer or any related entity to build or construct any structure or public improvement on any portion of the site. The director of public works, upon the issuance of a SWO, is authorized to suspend the issuance of building permits and occupancy permits for structures on any portion of the site, and to suspend all inspections and plan review related to any other work that is taking place on the site, until such time as the violation is resolved to the city's satisfaction. SWO's shall specifically state the provisions of this chapter or the grading permit being violated. Any person, who shall continue any work in or about the site after having been served with a SWO, except such work related to remediation of the violation, shall be subject to penalties as specified in section 26-326 of this Code.

(g)

Service of NOV and stop work order: The written NOV, including a SWO as applicable, shall be mailed, postage pre-paid, to both the permittee and owner. All SWO's that are issued by the department must be posted on the site on which the grading activity is taking place, and in reasonable proximity to a location where the grading activity is taking place. All SWO's posted in this manner shall be considered validly delivered.

- (h) *Issuance of summons to court:* It shall be the responsibility of the owner to ensure that no violation of this chapter occurs on his property. If the responsible party fails to comply with the NOV or there is no immediate settlement, a summons to court may be issued to the responsible party. The summons to court shall contain all the information required by the Code. The department of public works shall have the option of issuing a summons to court immediately upon discovery of a violation, in lieu of a NOV.
- (i) *Summons, service of:* The inspector shall fill out and sign as the complainant a complaint and information form, hereinafter referred to as a summons, directed by name to the responsible party, showing the address or legal description of property on which the violation is located, and such other information as may be available to the inspector as shown on the summons, and specifying the selection of this section or grading permit which is being violated, and may serve the summons on the responsible party or any or all of such persons. The summons shall contain a date on which the case will be on the municipal court docket for hearing. The city prosecuting attorney shall sign the original copy of all such summons, and the original thereof shall be forwarded to the clerk of the municipal court for inclusion on the court's docket for the date shown on the summons.
- (j) *Summons, delivery by mail:* If no one is found at the property to accept a summons the inspector shall fill out and sign the summons as the complainant as provided in subsection (i) and deliver the original and one (1) copy of the summons to the clerk of the municipal court, who shall verify or insert the date that the case has been set for hearing before the municipal court. The clerk shall then mail the copy of the summons by ordinary mail, postage prepaid to the person named therein at the address shown on the summons, or at such other address as the person charged therewith may be found, or shall be known to reside. If the mail is duly addressed to the person named in the summons at the address as provided above and is not returned to the city, it shall be deemed to have been delivered and received by the person to whom addressed.
- (k) *Abatement by city; costs assessed to responsible party:* If the responsible party for property for which a notice of violation has been issued fails to abate the violation in the time specified in the notice, whether on public or private property, the city may without further notice abate the violation and, if necessary, may lawfully enter upon the property on which the violation remains unabated to abate such violation at the cost of the responsible party for creating or maintaining the violation.
- (l) *Payment of costs; use of surety, special tax bill or judgment:* All costs and expenses incurred by the city in abating any violation may be deducted from the surety deposited with the city or assessed against the property in the form of a special tax bill, which special tax bill shall become a lien on the property. Alternatively, the cost of abating the violation, whether on public or private property, may be made a part of the judgment by the municipal judge, in addition to any other penalties and costs imposed, if the person charged either pleads guilty or is found guilty.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

Sec. 7-94. - Penalties for violation.

Any person violating any of the provisions hereof shall, upon conviction, be subject to all penalties provided for violation of city ordinances.

(Ord. No. 3889, §§ 2, 3, 2-22-05)

ARTICLE IV. - EXCAVATIONS AND OBSTRUCTIONS IN STREETS

Sec. 7-95. - Work in streets; permit.

- (a) Except in the case of work by any governmental agency, no person or entity shall make any opening or excavation or place any object in any street, alley, sidewalk, or other public place without obtaining an excavation permit from the director of public works.
- (b) All work which results in a physical disturbance of the public right-of-way shall require such permit, including, but not limited to, all excavations and installations relating to conduit, poles, pole lines, wires, mains, pipes, valves, conductors, sewers, drains, driveways, sidewalks or any appurtenances thereof.
- (c) Work which does not result in a physical disturbance of the public right-of-way and does not interrupt traffic does not require permit authorization.
- (d) An application for a permit hereunder shall be filed with the director of public works on forms provided by the director. The application shall be accompanied by such information regarding the location and the nature of the work as shall be required by the director.
- (e) No permit shall be issued for a period in excess of ninety (90) days.
- (f) The filing of an application for an excavation permit shall constitute an agreement on the part of the applicant to be bound by the provisions of this article and to such conditions as may be specified by the director as to lights and barricades, the time within which the opening is to be filled and the surface restored and for notice thereof, and to repair as required hereunder. If the opening is not closed within the time established, the permittee shall pay to the city the sum of one hundred dollars (\$100.00) per day as liquidated damages, and not as a penalty to be deducted from the deposit of the permittee, if sufficient.
- (g) No permit shall be issued until the applicant shall deposit with the city a sum covering the cost of all inspections hereunder and the cost of restoring the street, as determined by the director of public works.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-96. - Insurance requirement.

Any contractor performing work pursuant to an excavation permit shall procure and maintain, during the term of the excavation permit, insurance as follows:

- (1) Worker's compensation in full compliance with applicable statutory requirements and employee's liability coverage in the sum of not less than five hundred thousand dollars (\$500,000.00).
- (2) Comprehensive liability coverage for injury or death for each occurrence in the sum of not less than one million dollars (\$1,000,000.00) and property damage for each occurrence in an amount not less than one million dollars (\$1,000,000.00).
- (3) Comprehensive automobile liability coverage for injury or death, for each occurrence in an amount not less than one million dollars (\$1,000,000.00) and property damage in an amount not less than one million dollars (\$1,000,000.00).
- (4) Professional liability coverage in an amount not less than one million dollars (\$1,000,000.00) for each occurrence.

- (5) Owner's protective liability insurance for injury or death in an amount not less than five hundred thousand dollars (\$500,000.00) for each occurrence and property damage in an amount not less than five hundred thousand dollars (\$500,000.00).

The owner's policy shall name the city as an additional insured. Certificates evidencing such insurance shall be furnished to the city prior to the issuance of the excavation permit.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-97. - Procedure; notification; inspection.

- (a) No construction work shall begin in any street right-of-way and no curb on any street shall be cut until at least twenty-four (24) hours' prior notice of intention to begin work is given to the director of public works by the owner, permittee or contractor.
- (b) Inspection. No work shall be done until a city inspector is present. If any portion of the work fails to meet the requirements hereunder, the director or inspector on the job shall cause the work to be stopped until the unsatisfactory conditions are remedied.
- (c) Removal of substandard work. If any portion of any street, sidewalk, curb, alley or driveway entrance is constructed in violation of the provisions hereof, the director of public works may order such work to be removed unless the owner, permittee or contractor shall submit borings and such other tests as shall be required by the director of public works and the director is satisfied that the work has been done in conformity with applicable specifications.
- (d) The provisions of this section shall apply to any work done by any contractor under contract with the city.
- (e) The owner, permittee and contractor shall be jointly and severally responsible for all notices required hereunder, for performance of work in the absence of a city inspector, or for failing to comply with any order of the director of public works.
- (f) The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the work and shall replace same in as good condition as same were at the time work was begun or shall make such provisions for them as the director of public works shall prescribe. The permittee shall not obstruct the gutter of any street and shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the work site or resulting from sluicing or other operations and shall be responsible for any damage resulting from the failure to so provide.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-98. - Backfilling and restoration.

All excavations in a street shall be restored and maintained in accordance with the following:

- (1) *Backfilling.* No person shall perform any backfilling in any excavation unless an inspector from the department of public works is present to observe the work and the backfill is made in accordance with the standards established hereunder.
- (2) *Breaking through pavement.* Whenever it is necessary to break through existing pavement, the pavement shall be removed to at least six (6) inches beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement and a six-inch shoulder of undisturbed materials shall be provided in each side of the excavated trench. The face of the remaining pavement shall

be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be scored or otherwise cut in a straight line. No pile driver may be used in breaking up the pavement.

- (3) *Restoration of surface.* The director of public works shall prepare a detailed set of specifications for backfilling and restoring pavement, which shall, as nearly as feasible, conform to the specifications of the county department of highways and traffic.
- (4) *Barricades and lights.* No person shall make any street excavation without providing barricades around the same as a warning to the public and providing adequate lights around the excavation between sunset and sunrise. Traffic warning signs and devices shall be provided in accordance with the manual on uniform traffic control devices, as amended from time to time, and as required by the director of public works.
- (5) *City's right to restore surface.* If the permittee fails to restore the surface of the street to its proper condition or shall otherwise fail to complete the excavation work in accordance with the terms hereof, the director of public works shall have the right to have such work and all things necessary to restore the street and to complete the excavation work. The permittee shall be responsible for the actual cost of such work, together with a sum representing overhead and administrative costs. The city shall apply the deposit provided for hereunder to payment of such expenses and shall also have the right to enforce its claim against the permittee and contractor.
- (6) *[Deficiencies.]* If any deficiencies appear within a period of one (1) year after completion of the work, the permittee shall perform all necessary corrective work.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-99. - Liability of city.

These regulations shall not be construed as to impose upon the city, or any employee or official of the city, any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit has been obtained hereunder, nor shall the city or any employee or official be deemed to have assumed any liability or responsibility by reason of any inspections made hereunder or the approval of any work.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-100. - Penalty for removal of barricades or warning devices.

It shall be unlawful for any person to remove, deface, obscure or in any other way alter warning devices erected around any opening or excavation or around any object placed in a street, or any warning devices placed in any alley, parkway, sidewalk or other public place either by the city or any other person or entity for the protection of the public.

(Ord. No. 3387, § 2, 10-24-95)

Sec. 7-101. - Penalty for violation.

Any person violating any of the provisions of this article shall, upon conviction, be subject to all penalties provided for violation of city ordinances.

(Ord. No. 3387, § 2, 10-24-95)

Secs. 7-102—7-121. - Reserved.

ARTICLE V. - RE-OCCUPANCY PERMITS FOR NON-OWNER OCCUPIED DWELLING UNITS

Sec. 7-122. - Purpose.

The purpose of this article is to protect the public health, safety and general welfare of the residents of the City of Crestwood, Missouri, including:

- (1) To protect the character and stability of residential areas;
- (2) To correct and prevent housing conditions that adversely effect the safety, general welfare and health of residents;
- (3) To preserve the value of land and structures throughout the city; and
- (4) To provide certain minimum housing standards necessary to the health and safety of residents.

(Ord. No. 3905, § 2, 5-24-05)

Sec. 7-123. - Definitions.

In addition to the definitions set forth in the property maintenance code of the city, chapter 7, article II, the following term(s), as used in this article, shall have the following meaning(s):

Existing dwelling unit. A dwelling unit legally occupied prior to the effective date of this article.

Re-occupancy permit. A permit from the city to re-occupy an existing dwelling unit by a new person or persons.

(Ord. No. 3905, § 3, 5-24-05)

Sec. 7-124. - Permits required.

No person or persons shall re-occupy or permit the re-occupancy of any existing dwelling unit by a new person or persons that let, lease or rent said dwelling unit within the City of Crestwood, Missouri, unless a re-occupancy permit has been issued by the city for said person or persons to re-occupy the dwelling unit. Persons who, at the time this article shall become effective, occupy dwelling units that are let, leased, or rented within the city shall not be required to obtain permits to continue to occupy the dwelling unit under the provisions of this article. Re-occupancy permits are required for the first and each subsequent change of occupancy following the effective date of this article.

(Ord. No. 3905, § 4, 5-24-05)

Sec. 7-125. - User fees.

Fees for activities and services performed by the city in carrying out its responsibilities under this article are set forth in the attached exhibit 1, "fee schedule", which is adopted hereby and is subject to periodic changes by action of the board of aldermen.

(Ord. No. 3905, § 5, 5-24-05)

Editor's note— It should be noted that exhibit 1, "fee schedule" referenced above is not set out at length herein, but is on file and available for inspection in the office of the city clerk.

Sec. 7-126. - Applications.

The owner of a dwelling unit shall be responsible for obtaining permits necessary to re-occupy a dwelling unit. Applications for permits shall be made on forms provided by the city. Fees, as established by the city, shall be paid at the time permit applications are made.

(Ord. No. 3905, § 6, 5-24-05)

Sec. 7-127. - Rights, obligations and requirements.

The issuance of a permit for re-occupancy of any dwelling unit regulated by this article shall be governed by the standards set forth in the city's property maintenance code and all rights and obligations set forth therein shall apply, including but not limited to, those sections pertaining to inspections, appeals, violations, prosecutions and penalties.

(Ord. No. 3905, § 7, 5-24-05)

Sec. 7-128. - Issuance of permit.

Upon completion of the inspection of the dwelling unit, if the code official finds the requirements of the property maintenance code have been met, a permit certifying such fact shall be issued. In the event a dwelling unit is re-occupied by another person or persons within six (6) months of a permit being issued, no new re-occupancy permit will be required. If the code official finds that the requirements of the Code have not been met, a denial specifying the noncompliance shall be provided to the applicant. When a permit application has been denied, no occupancy of the dwelling unit shall be permitted until a permit has been issued.

(Ord. No. 3905, § 8, 5-24-05)

Sec. 7-129. - Permit exclusions.

Owner-occupied dwelling units of any kind, including but not limited to, single-family homes, condominiums, townhouses, villas and other owner-occupied single-family dwelling units shall be exempt from the provisions of this article requiring permits for a new person or persons to re-occupy an existing dwelling unit. Hotels, motels and dormitories are also excluded from the permit requirements of this article.

(Ord. No. 3905, § 9, 5-24-05)

Sec. 7-130. - Access to premises.

No re-occupancy permit shall be issued for a dwelling unit as required by this article when the owner or occupant or prospective occupant denies access to the premises for any inspection or re-inspection or takes other action or fails to take necessary action that has the effect of precluding inspection or re-inspection by the code official or his designee.

(Ord. No. 3905, § 10, 5-24-05)

Sec. 7-131. - Effective date.

That this article and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect on the first day of the month following ninety (90) calendar days from and after the date of its adoption by the board of aldermen and approval by the Mayor of the City of Crestwood, Missouri.

(Ord. No. 3905, § 11, 5-24-05)

Secs. 7-132—7-150. - Reserved.

ARTICLE VI. - FAIR HOUSING^[4]

Footnotes:

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Editor's note—Ord. No. 3944, §§ 1—8, adopted Nov. 8, 2005 did not specify manner of codification; at the city's instruction these provisions were included as Art. VI, §§ 7-151—7-158.

Sec. 7-151. - Statement of policy.

The Board of Aldermen of the City of Crestwood, Missouri hereby declares it to be the public policy of the city to eliminate and prevent discrimination, segregation, or separation in all places of public accommodation covered by this article, and to eliminate and prevent discrimination, segregation, or separation in housing, and to safeguard the right of any person to sell, purchase, lease, rent, or obtain real property without regard to race, color, religion, sex, national origin, disability, or marital status. It is further affirmed that the opportunity for full and equal public accommodations as covered by this article and the opportunity for full and equal housing are civil rights of every citizen.

(Ord. No. 3944, § 1, 11-8-05)

Sec. 7-152. - Unlawful discriminatory housing practices.

It shall be a discriminatory practice and unlawful for the owner, real estate broker, real estate salesperson or employee or agent thereof, or any person having the right, responsibility, or authority to sell, rent, lease, assign or sublease any dwelling unit, commercial unit or real property or any part or portion thereof or interest therein:

- (1) To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling to a person because of race, sex, color, religion, national origin, age, ancestry, handicap or marital status.
- (2) To discriminate against any person because of race, color, religion, sex, national origin, disability, or marital status in the terms, conditions, or privileges of the sale, rental, lease, assignment, or sublease of any housing accommodations or real property or part or portion thereof or in the furnishing of facilities or services in connection therewith, or to require a higher sale price or rental or otherwise impose terms more burdensome upon any person because of race, color, religion, sex national origin, disability, or marital status which would not be required of other persons.
- (3) To make, print or publish or cause to be made, printed or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, limitation or discrimination based on race, sex, color, religion, ancestry, handicap or national origin, or an intention to make any such preference, limitation, or discrimination.
- (4) To present to any person because of race, sex, color, religion, religious affiliation, national origin, age, ancestry, handicap or familial status, that any dwelling is not available for inspection, sale, or rental when such dwelling is in fact so available.
- (5) To induce or attempt to induce any person to sell or rent any dwelling by representations regarding the entry or prospective entry into the neighborhood of a person or persons of a particular race, sex, color, religion, religious affiliation, national origin, age, ancestry, handicap, or marital status.

(Ord. No. 3944, § 2, 11-8-05)

Sec. 7-153. - Applicability.

The provisions of this article shall not apply to the following:

- (1) The sale, rental, assignment, lease or sublease of a single-family dwelling owned by an individual in which that individual or a member of the immediate family resides, and the dwelling is offered for sale, rental assignment, lease, or sublease, without the use of sales or rental facilities or services of real estate brokers, agents, salesmen, or persons in the business of selling or renting dwellings, and without the publication, posting or mailing of any advertisement in violation of subsection 7-152(3) of this article provided, however, that:
 - a. Nothing in this provision shall prohibit the use of attorneys, escrow agents, abstractors, title companies, and other such professional assistance as necessary to perfect or transfer the title; and
 - b. Any such private individual owner does not own any interest in, nor is there owned or reserved on this behalf, under any express or voluntary agreement, title to or any right to all or a portion of the proceeds from the sale or rental of more than three (3) such single-family houses at any one (1) time.
- (2) A rental or leasing of a dwelling unit in a building which contains housing accommodations for not more than two (2) families living independently of each other if the owner or a member of the immediate family resides in such a dwelling unit.
- (3) A rental or leasing to less than five (5) persons living in a dwelling unit by the owner if the owner or a member of the immediate family resides therein.
- (4) Nothing in this article shall prohibit a religious organization, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of real property which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons unless membership in such religion is restricted on account of race, sex, color, national origin, age, ancestry, handicap or marital status. Nor shall anything in the article prohibit a private club in fact not open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

(Ord. No. 3944, § 3, 11-8-05)

Sec. 7-154. - Discrimination in financing of housing.

It shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part of the making of commercial real estate loans to deny a loan or other financial assistance to a person applying therefore for the purpose of purchasing, constructing, improving repairing or maintaining a dwelling or to discriminate against said person in the fixing of the amount, interest rate, duration or other terms and conditions of such loan or other financial assistance because of the race, sex, color, religion, national origin, age, ancestry, handicap or marital status of such person or of any person associated with said person in connection with such loan or other financial assistance, or of the present or prospective owners, lessees, tenants, or occupants, of the dwellings in relation to which such loan or other financial assistance is to be made or given.

(Ord. No. 3944, § 4, 11-8-05)

Sec. 7-155. - Discrimination in the provision of brokerages services.

It shall be unlawful for any person to deny any person access to or membership or participation in any multiple listing service, real estate brokers' organization or other service organization, or facility relating to the business of selling or renting dwellings or to discriminate against him in the terms or conditions of such access, membership or participation on account of race, sex, color, religion, national origin, age, ancestry, handicap or marital status.

(Ord. No. 3944, § 5, 11-8-05)

Sec. 7-156. - Complaint process.

Any person who claims to have been injured or who will be injured by a discriminatory housing practice may file a complaint with the board of aldermen. The complaint shall be filed within one hundred eighty (180) days after the alleged discriminatory housing practice occurred. For the purposes of this section, all days of violation with respect to one (1) dwelling shall be taken to mean one occurrence. Complaints shall be in writing and shall state the facts upon which the allegations of the discriminatory practice are based. Upon receipt of such complaint, a copy shall be furnished to the person or persons who allegedly committed or are about to commit the alleged discriminatory housing practice.

(Ord. No. 3944, § 6, 11-8-05)

Sec. 7-157. - Enforcement.

The authority and responsibility for enforcing this article shall be vested with the board of aldermen. It will be the duty of the board of aldermen to receive and investigate written complaints, hold hearings, make findings of fact and take such action as it deems appropriate.

(Ord. No. 3944, § 7, 11-8-05)

Sec. 7-158. - Punishment of violators.

Any person who shall commit a discriminatory housing practice in violation of this article shall upon conviction thereof be punished for each such violation by a fine of not less one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(Ord. No. 3944, § 8, 11-8-05)

Secs. 7-159—7-170. - Reserved.

ARTICLE VII. - DECONTAMINATION OF CERTAIN STRUCTURES^[5]

Footnotes:

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Editor's note—Ord. No. 4381, § 1, adopted Nov. 27, 2012, set out provisions intended for use as Art. III, § 7-34. Due to the current use of said article and section, these provisions have been included as Art. VII, § 7-171.

Sec. 7-171. - Decontamination of structures where methamphetamine has been produced.

(a) *Purpose.* Pursuant to the Crestwood Building Regulations, the following standards, requirements and protocols are established for the cleanup of illegal laboratories used to manufacture methamphetamine which property owners are required to meet.

(b)

Applicability. The requirements of this section apply when the owner of property that has been posted as an unsafe structure receives notification from the code official of the City of Crestwood that chemicals, equipment, or supplies indicative of a drug laboratory were located at the property, or when a drug laboratory is otherwise discovered, and the owner of the property where the drug laboratory was located has received notice.

(c) *Definitions.* As used in this section, the following terms shall have these prescribed meanings:

Agent of the owner: A current employee or representative of the owner of record who was in the employ of that owner at the time the property was determined to be an illegal drug manufacturing site; or is a current employee or representative of any new owner and who was a representative.

Building: A structure which has the capacity to contain humans, animals, or property.

Chemical storage area: Any area where chemicals used in the manufacture of methamphetamine are stored or have come to be located.

Code official: The director of public works for the City of Crestwood, Missouri or his designee.

Contaminant: A chemical residue that may present an immediate or long-term threat to human health and the environment.

Contamination or contaminated: The presence of chemical residues which may present an immediate or long-term threat to human health or the environment.

Contractor: One (1) or more qualified individuals or commercial entities hired to perform work in accordance with the requirements of this protocol.

Cooking area: Any area where methamphetamine manufacturing is occurring or has occurred.

Decontamination: The process of reducing the level of contamination to the lowest practical level using currently available methods. At a minimum, decontamination must reduce contamination of specified substances below the concentrations allowed by this protocol.

Department: The department of public works for the City of Crestwood, Missouri.

Disposal: Handling, transportation and ultimate disposition of materials removed from contaminated properties.

Documentation: Preserving a record of an observation through writings, drawings, photographs, or other appropriate means.

Functional space: A space where the spread of contamination may be expected to occur relatively homogeneously, compared to other functional spaces. The "functional space" may be a single room or a group of rooms designated by an inspector who, based on professional judgment, considers the space to be separate from adjoining areas with respect to contaminant migration. Typical examples of functional spaces include a crawl space, an attic, and the space between dropped ceiling and the floor or roof deck above.

Media: The physical material onto which sample substrate is collected. Media includes gauze, glass fiber filters, etc.

Methamphetamine: Dextro-methamphetamine, levo-methamphetamine, and unidentified isomers of the same, any racemic mixture of dextro/levo methamphetamine, or any mixture of unidentified isomers of methamphetamine. The term includes derivatives, conjugates, oxides and reduced forms of the basic structure associated with the formation of methamphetamine. For the purposes of this protocol, this term includes amphetamine, ephedrine and pseudoephedrine.

Person: Any individual, public or private corporation, partnership, or association.

Property: Anything that may be the subject of ownership or possession, including, but not limited to, land, buildings, structures, vehicles and personal belongings.

Property owner: For the purposes of real property, the person holding fee title to real property. "Property owner" also means the person holding title to a manufactured home. With respect to personal property, the term means the person who lawfully owns such property.

Removal: The taking out or stripping of material or surfaces to eliminate the potential for exposure to contaminants on or in the material or surfaces.

Substrate: The material being collected. Substrates may include soils, water, painted surfaces, carpet or carpet debris, unidentified powders, dust, etc.

Unsafe structure: Any structure, building or premises that have the defects or characteristics contained in Section 116, International Building Code, and thereby constitute a hazard to safety, health or public welfare.

Vacuum sample: A non-airborne dust sample collected from a known surface area of a porous surface or material using standard micro-vacuum sampling techniques.

Waste disposal area: Any area where chemicals used or generated in the manufacture of methamphetamine are disposed or have come to be located.

Wipe sample: A surface sample collected by wiping a sample media on the surface being sampled.

- (d) *Assessment.* When law enforcement personnel discover property where methamphetamine has been produced, or where the equipment and chemicals to produce methamphetamine are present in sufficient quantities to warrant enforcement action, they will take samples using a methamphetamine field test kit. The field test used shall be of the type approved by law enforcement officials, industry experts and the courts, and shall measure the presence of methamphetamine residue on surfaces at a level that is at least as high as the level established in subsection (f) below. This assessment shall be performed by personnel who the city's chief of police has determined are appropriately trained and the assessment shall include, but not be limited to, the following:
- (1) Assessment of the number and type of structures present on the property where methamphetamine may have been produced.
 - (2) Identification of structural features that may indicate separate functional spaces, such as attics, false ceilings and crawl spaces, basements, closets and cabinets.
 - (3) Identification of the manufacturing methods based on observations, reports from law enforcement personnel and knowledge of manufacturing methods.
 - (4)

Identification of possible areas of contamination based on visual observation, reports from law enforcement personnel, proximity to chemical storage areas, waste disposal areas, or cooking areas, signs of contaminations such as staining, etching fire damage, outdoor areas of dead vegetation or based on the professional judgment of the person collecting the samples.

- (5) Identification of adjacent units and common areas to determine the likelihood that contamination has spread or may have been tracked.
- (6) Identification of common ventilation systems with adjacent units or common areas.

On the basis of the analysis of these areas and the judgment of the person collecting the data, a sampling plan will be formulated to determine the areas with the greatest probability of containing the highest possible concentrations of contaminants. Samples will be taken with techniques that are appropriate for the surface being sampled using media and testing kits designed to detect the presence of methamphetamine, the results of which are determined at the time the samples are collected.

If the field test reveals the presence of methamphetamine at levels in excess of the levels established herein, the structure shall be considered unsafe for human habitation and it will be posted as an unsafe structure by the code official. A structure or unit that is posted as unsafe shall not be occupied until the code official orders that status removed.

(e) *Procedures for assessment, sampling and testing.*

- (1) While posting of the structure constitutes notice, the code official shall also attempt to contact the owner of record of the affected property, or the owner's agent, by sending a certified letter. Whether the certified mail is collected or the regular mail is returned to the code official as undeliverable, the city shall proceed on the basis of the posted notice.
- (2) Notice shall inform the owner to contact the code enforcement division to establish a schedule for decontaminating the structure. If the owner does not contact the city within the time specified in the notice, the code official may request AmerenUE to disconnect the electric service to ensure the structure is not re-occupied until decontamination is performed.
- (3) If the owner contacts the city within the prescribed period, the owner may request permission to have the property retested. If the owner chooses to retest the property, the owner must employ the services of a company that the code official shall determine is qualified to perform sampling and to analyze the samples. If the owner chooses to hire a company to collect new samples, a trained law enforcement officer for the city must be present when the samples are taken and the owner shall pay an inspection fee of forty dollars (\$40.00), payment of which must be made prior to removal of the unsafe structure declaration. The results of the analysis shall be provided to the code official.
- (4) Testing shall be performed in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August, 2009.

(f) *Contamination levels.* A structure will be considered unsafe and noncompliant if it is found to contain more than the following levels of any of these chemicals:

- (1) Methamphetamine in a concentration equal to or greater than $0.1 \mu\text{gram}/100 \text{ cm}^2$.
- (2) If it is determined that the phenyl-2-propanone (P2P) method of methamphetamine manufacturing was used, surface levels for lead in excess of $20 \mu\text{g}/\text{ft}^2$ and vapor samples for Mercury in excess of $50 \text{ ng}/\text{m}$.

(g) *Decontamination.*

- (1) If testing reveals the presence of contamination in levels that exceed the standards set forth in this section, the owner is required to hire a qualified contractor to decontaminate the structure and shall advise the code official of the schedule for decontamination. At a minimum, to be qualified to perform decontamination, contractors and all personnel must have completed the forty-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) training [Occupational Safety and Health Administration (OSHA) 29 CFR 1910] and a clandestine drug lab assessment and decontamination course that is provided by a sponsor acceptable to the Code Official.
- (2) The schedule for the work and evidence that the contractor has met the minimum training requirement must be submitted for approval to the code official within seven (7) business days of the posting of the notice. Approval will be based solely on the timeliness of the schedule and the qualifications of the contractor. Approval or rejection of the schedule will be provided within three (3) business days of submission. If rejected, the owner will be informed of specific reasons for the rejection and will be required to amend the schedule or the proposed contractor. Decontamination shall be performed in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup (August, 2009).
- (3) If the owner of property determined to be in violation of the minimum allowable levels of chemicals as provided in this protocol fails to voluntarily mitigate the violation, the code official may serve a notice of violation and proceed in accordance with Section 114 of the International Residential Code or may declare the structure as unsafe and proceed in accordance with Sections 112 and 116 of the International Building Code. The code official may request AmerenUE to disconnect electrical service until the decontamination is complete.

(h) *Post-decontamination sampling.* When the owner arranges for decontamination, following the completion of the work, the owner will notify the city that work is complete and schedule a time for post-remediation testing. The structure must be tested in the presence of a trained law enforcement officer for the city. The owner must provide test results as evidence that the property is compliant with this regulation. Should the results of the post-remediation sampling show the presence of methamphetamine in excess of the standards established by this chapter, further steps shall be taken to decontaminate the structure and additional testing shall be done in the presence of a trained law enforcement officer for the city. Each time an inspector for the city is present, the owner shall pay an inspection fee of forty dollars (\$40.00). The post-remediation sampling and testing must be performed by a company the code official has determined to be qualified and done in accordance with the appropriate sections of the U.S. Environmental Protection Agency Voluntary Guidelines for Methamphetamine Laboratory Cleanup, August, 2009.

(i) *Final action.* After the property has been decontaminated and the code official is in possession of evidence that the pertinent chemical levels are below the levels established by this regulation, the structure will be considered safe and suitable for human habitation. If electric service has been disconnected, the code official will notify AmerenUE that the unsafe condition has been mitigated and service can be restored. The property owner shall be responsible for any re-connection fees.

(j) *Penalties.* Any person violating any of the provisions of this section shall, upon conviction, be subject to all penalties provided for violation of city ordinances.

(Ord. No. 4381, § 1, 11-27-12)

Chapter 7.5 - CABLE COMMUNICATIONS

ARTICLE I. - IN GENERAL

Secs. 7.5-1—7.5-50. - Reserved.

ARTICLE II. - RATES^[1]

Footnotes:

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Editor's note—Section 1 of Ord. No. 3446, adopted February 25, 1997, repealed Ord. No. 3306, adopted May 10, 1994, in its entirety; subsequently, §§ 7.5-51—7.5-59, which derived from §§ 1—9 of Ord. No. 3306 and pertained to cable rates, were also repealed. Section 1 of Ord. No. 3446 also added new cable rate provisions to read as set forth herein.

Sec. 7.5-51. - Filing and review for basic service and equipment.

(a) *Procedure.*

- (1) *When to be made.* Within thirty (30) days after the initial date of regulation of its basic service tier under this article, a cable operator shall file its schedule of rates for the basic service tier and associated equipment, a full description of the services available in the basic service tier, and all forms prescribed by the FCC to establish initial regulated rates for the basic service tier and associated equipment, unless the cable system is eligible for streamlined rate reductions under FCC regulations and implements the required reduction and provides written notice thereof in accordance with FCC regulations. After initial regulated rates have been established, in order to change regulated rates for the basic service tier and associated equipment, a cable operator shall file, thirty (30) days before the proposed effective date of the change, any proposed new schedule of rates, related description of the services available in the basic service tier, all forms prescribed by the FCC, and proof of customer notice as required by the FCC. Rate changes include decreases, including annual reductions due to decreases in external costs and quarterly reductions due to decreases in programming costs resulting from the deletion of a channel or channels from the basic service tier.
- (2) *Where to be made.* Every rate filing shall be submitted to the cable coordinator designated by the city. A rate filing shall be considered filed for review on the date all required forms, correctly completed, and supporting materials and all required copies are submitted to the coordinator. If a filing is incomplete, the coordinator may require the cable operator to supplement the filing, and all time deadlines regarding the city's review of the filing shall be suspended until the filing is complete.
- (3) *Cover letter.* Every rate shall be accompanied by a cover letter which states whether the filing concerns existing rates, proposes a rate increase, or proposes a rate decrease. The cover letter shall also identify any elections the cable operator is making regarding applicable FCC regulations. The cover letter shall state whether the cable operator claims any of the information it has submitted is proprietary. The cover letter shall also contain a brief, narrative description of any proposed changes in rates or in service, including the precise amount of any rate change and an explanation of the cause thereof, and the identification of any added or deleted channels.
- (4) *Number of copies.* An original and fifteen (15) copies of each rate filing, including all supporting materials, shall be submitted.

(b) *Standard of review.*

(1)

Permitted charges. After May 15, 1994, the permitted charge for the basic service tier shall be, at the election of the cable operator made at the time it files the prescribed forms, either a rate determined pursuant to a cost-of-service showing or a rate determined by application of the FCC's price cap regulations to the permitted rate as of May 15, 1994.

- (2) *Basic service equipment and installation rates.* Rates for equipment and installations used to receive basic service shall not exceed charges based on actual costs in accordance with FCC regulations. Rates for customer equipment and installation and additional connections shall be unbundled. Equipment charges may include a properly allocated portion of franchise fees. Monthly usage charges for additional television receivers are not permitted. A cable operator may sell equipment to subscribers at prices which recover costs. A cable operator may sell equipment service contracts for equipment sold to subscribers, in accordance with FCC regulations. Promotional offerings are acceptable, so long as they are reasonable in scope, not unreasonably discriminatory, and are not subsidized by cost recovery through increases in equipment cost elements or increases in programming service rates above the maximum level prescribed by FCC regulations.
 - (3) *Charges for customer changes.* Charges for customer changes in service tiers effected solely by coded entry on a computer terminal or similarly simple methods shall be a nominal amount not exceeding actual costs, except on approval by the city and advance notice to subscribers. The cable operator may establish a higher charge for changes by subscribers changing service tiers more than two (2) times in a twelve-month period. Other charges for customer changes in service tiers or equipment shall be based on actual cost. Downgrade charges that are the same as or less than reasonable upgrade charges are reasonable. For thirty (30) days after notice of retiering or rate increases, customers shall be able to change service tiers at no additional costs.
 - (4) *Burden of proof.* The cable operator has the burden of proving its charges are in accordance with this article and FCC regulations.
- (c) *Initial city action.* After receiving a rate filing, the following steps will be taken by the city:
- (1) *Notice published; public comments received.* The city promptly shall publish a notice to the public that a filing has been received. The notice shall state that the filing is available for public review, except for those parts withheld as proprietary, and shall state reasonable time(s) and place(s) for such review. The notice shall state that interested parties may comment on the filing and shall establish the time and manner in which interested parties may submit their comments in light of the date by which the city must act upon the filing.
 - (2) *Coordinator recommendations.* The coordinator shall submit recommendations for action to the board of aldermen within ten (10) days of receipt of a filing and shall give contemporaneous notice thereof to the cable operator and the public.
 - (3) *Cable operator response.* A cable operator shall be given an opportunity to respond to public comments and coordinator recommendations regarding its filing. The coordinator's recommendations shall establish the time and manner in which the cable operator must submit its comments in light of the date by which the city must act upon the filing.
 - (4) *Order issuance.* Within thirty (30) days of the date of the filing, the board of aldermen shall issue a written order, which may be in any lawful form. The order shall approve the proposed rates in whole or in part; deny the proposed rates in whole or in part; or state that additional time is required to review the filing because the city is unable to determine, based on the material submitted by the cable operator, that the rates are in accordance with FCC regulations. An order

stating that additional time is required shall permit the cable operator to cure any deficiency in its filing by submitting a supplementary filing as hereinafter provided. If the city disapproves the proposed rates, it may order a reduction or prescribe rates where necessary to bring rates into compliance with this article and FCC regulations.

- (5) *Effective date of filing.* Unless the board of aldermen disapproves the filing or issues an order stating that additional time is required to review the filing within thirty (30) days after the filing date, initial rates will remain effective or proposed rates will become effective. Unless the order or a subsequent order states otherwise, if the city decides more time is required to review the filing, the filing will remain subject to disapproval until after, and no proposed change will go into effect any earlier than, the time for further action by the city provided hereinafter has passed. If the city takes no action within the time provided in subsection 7.5-51(d)(6), initial rates shall remain in effect or proposed rates shall take effect, subject to refund if applicable.
- (6) *Notice.* Notice of the rate order shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified reasonable time(s) and place(s).
- (d) *Further review after tolling order.* If the city issues a tolling order stating that additional time is required to review a filing, then the following steps shall be taken by the city:
 - (1) *Supplementary filing.* The cable operator shall submit a supplementary filing within twenty (20) days from the date the tolling order issues, containing corrections, if any, to its filing and any additional information necessary to support the proposed rate, including information the city directs the cable operator to include in the supplementary filing. Supplementary filings shall be filed in accordance with subsection 7.5-51(a)(2).
 - (2) *Notice published; public comments received.* The city shall publish a notice to the public that interested parties may submit additional comments. The notice shall be published after the date scheduled for submission of any supplementary filing. The notice shall state that any supplementary filing or additional information provided by the cable operator will be available for public review at specified reasonable time(s) and place(s), except for those parts withheld as proprietary. The notice shall establish the time and manner in which interested parties must submit their comments in light of the date by which the city must take further action.
 - (3) *Coordinator recommendations.* The coordinator shall submit any further recommendations to the board of aldermen within twenty (20) days from receipt of the cable operator's supplementary filing and shall give notice of the recommendations to the cable operator and the public.
 - (4) *Cable operator response.* The cable operator shall be given an opportunity to respond to public comments and the coordinator's recommendations regarding its filing. The coordinator's recommendations shall establish the time and manner in which the cable operator must submit its comments in light of the date by which the city must act upon the filing.
 - (5) *Order issuance.* The board of aldermen shall issue a written order, which may be in any lawful form, approving the proposed rate in whole or in part; denying the proposed rate in whole or in part; or allowing the rate to go into effect in whole or in part, subject to refund, pending further investigation. If the city disapproves the proposed rate, it may order a reduction or prescribe rates where necessary to bring rates into compliance with this article and FCC regulations. If the board of aldermen issues an order allowing the rates to go into effect subject to refund, it shall also direct the cable operator to keep an accurate account of all amounts received by reason of the rates in issue and on whose behalf such amounts were paid.

- (6) *Time for order.* The order specified in the foregoing subsection shall be issued within ninety (90) days after the tolling order for any filing not involving cost-of-service showings. The order shall be issued within one hundred fifty (150) days of the tolling order for any filing involving cost-of-service showings.
 - (7) *Notice.* Notice of the rate order shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified reasonable time(s) and place(s).
 - (8) *Order for further investigation.* If the rate order provides for further investigation, the city shall provide for appropriate additional opportunities for comment by interested parties and the cable operator. Notice of any subsequent rate order completing the investigation shall be given to the cable operator. A public notice shall be published stating that the order has issued and is available for review at specified reasonable time(s) and place(s).
 - (9) *Failure to file.* If a cable operator fails to file its initial schedule of rates and related materials by the deadline established in subsection 7.5-51(a)(1), the city shall hold the cable operator in default and proceed to make a determination as to the reasonableness of the cable operator's rates and order appropriate relief without the participation of the cable operator.
 - (e) *Remedies and refunds.*
 - (1) *Orders.* The city may order reductions or prescribe rates as provided by this article and FCC regulations. The city may order the cable operator to make refunds, including interest, in accordance with FCC regulations.
 - (2) *Time for implementing.* A cable operator shall implement remedial requirements, including prospective rate reductions and refunds, within sixty (60) days after the city issues an order mandating a remedy. The relief shall be effective as of the date the order issues.
 - (3) *Filing confirming implementation.* Within sixty (60) days of the date an order mandating a remedy is issued, a cable operator shall file a certification, signed by an authorized representative, stating whether the cable operator has complied fully with all provisions of the order; describing in detail the precise measures taken to implement the order; and showing how any reductions or refunds, including interest, were calculated and made.
 - (4) *Deferral.* Refund liability will be deferred if required by FCC regulations.
 - (f) *Small systems.* Small systems shall be regulated in accordance with FCC regulations.
- (Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-52. - Reserved.

Sec. 7.5-53. - Orders and proceedings.

- (a) *Orders to be written.* Any rate order shall be in writing, and shall explain the basis for the city's decision.
- (b) *Notice to, comment by cable operator.* Before prescribing a rate or ordering a reduction or a refund to subscribers, the city shall ensure the cable operator has had notice and opportunity to comment on the proposed rate, reduction, or refunds.
- (c) *Actions permitted to protect public interest.* The city may take any steps that it is not prohibited from taking by federal or state law to protect the public interest as part of any rate order or by any other means. By way of illustration and not limitation, it may require refunds, set rates, and impose forfeitures and penalties directly or through its delegated representatives, and enforce refund orders.
- (d)

Subject to revision. Every order approving or setting a rate shall be subject to revision to the extent permitted under applicable laws and regulations, as the same may be amended from time to time.

- (e) *Public inspection.* All filings, comments, recommendations, responses, and orders shall be available for public inspection, except to the extent proprietary material is withheld. Inspection can be made upon request to the coordinator. All such materials regarding a particular filing will be made a part of the record before the board of aldermen acts thereon.
- (f) *Discrimination.* No cable operator shall discriminate among subscribers or potential subscribers to cable service. The city shall not prohibit a cable operator from offering reasonable discounts to senior citizens or to economically disadvantaged groups as defined by the FCC, so long as such discounts are offered equally to all subscribers in the franchise area who qualify as a member of the category or reasonable subcategory.
- (g) *"A la carte" offerings.* In reviewing a basic service rate filing, the city may make an initial decision addressing whether a collective offering of "a la carte" channels will be treated as unregulated service or a regulated tier. Such decision must be made within the first thirty (30) days established for review of basic service rates, or within sixty (60) days thereafter if a tolling order issues. The city shall provide notice of its decision to the cable operator and the public within seven (7) days of making the decision. Such an initial decision shall toll the time periods within which the city must decide upon rate filings until seven (7) days after the FCC decides any interlocutory appeal or, if no appeal is taken, until seven (7) days after the expiration of the time for filing an interlocutory appeal. Alternatively, the city may reserve its decision until it issues its final decision on the rate filing.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-54. - Reserved.

Sec. 7.5-55. - Notice of changes; complaints by subscribers.

- (a) *Notice to subscribers of changes.* Each cable operator shall provide the city and subscribers with thirty (30) days' advance written notice of the effective date of any increase or decrease for cable programming service or equipment rates or changes in programming services or channel positions as required by FCC regulations. The notice shall include the name, address, and phone number of the city and, with regard to any rate change for cable programming services or equipment, the notice shall also state in readily understandable fashion the precise amount and cause of the rate change; when the change involves the addition or deletion of channels, separately identify each channel added or deleted; and inform subscribers of their right to file a complaint with the city within ninety (90) days of the effective date of the rate change.
- (b) *Complaint procedures.*
 - (1) Subscribers may file complaints with the city in response to CPST [cable programming service tier] rate changes, as provided by FCC rules. The city shall receive and record subscriber complaints, and the coordinator shall assist subscribers in the preparation and making of such complaints. Subscribers shall have ninety (90) days after the effective date of any CPST rate change within which to complain.
 - (2) If the coordinator receives at least two (2) complaints within the prescribed ninety-day window, the coordinator shall advise the board of aldermen thereof and, if authorized by the board of aldermen, shall file a complaint with the FCC within one hundred eighty (180) days after the effective date of such rate increase.

(3)

Before filing with the FCC, the coordinator shall give written notice to the cable operator of the city's intention to file a complaint by mailing a copy of the proposed complaint to the cable operator, return receipt requested. Such notice shall be mailed by the city no later than the one hundred forty-fifth day following the effective date of the complained-of rate increase. The operator shall be deemed served with the notice as of the date of mailing. The operator shall have thirty (30) days within which to file with the city a response to the complaint justifying the rate increase.

- (4) After receiving the operator's response, the coordinator shall then file the city's complaint and the operator's response, if any, with the FCC. If the operator does not respond, the city shall so note on its complaint form.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-56. - Reserved.

Sec. 7.5-57. - Information requests.

- (a) *Duty to respond.* A cable operator and any other entity that has records of revenues or expenses that are or may be allocated to the cable operator's system shall respond to requests for information from the city. A cable operator is responsible for ensuring that such other entity responds to the city's requests.
- (b) *Time for response.* Complete responses to information requests shall be submitted by reasonable deadlines established by the city.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-58. - Reserved.

Sec. 7.5-59. - Additional duties of cable operator.

- (a) *Maintenance of books and records.* It is each cable operator's responsibility to keep sufficient books and records so that it can comply fully with these regulations and any city order issued hereunder, as well as FCC regulations.
- (b) *Submission of complete filings.* It is each cable operator's duty to submit as complete a filing as possible. Knowingly withholding information or making a filing that is incomplete under applicable law shall be treated as a violation of this article.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-60. - Reserved.

Sec. 7.5-61. - Responsibilities of cable coordinator.

The coordinator shall be responsible for administering these regulations. Without limitation and by way of illustration, the coordinator shall:

- (1) Ensure notices are given to the public and each cable operator as required herein and by FCC regulations. The cable operator may be provided notice by publication, mail, fax or any other reasonable means. The public may be provided notice by publication, posting or any other reasonable means.
- (2) Submit requests for information to the cable operator and establish deadlines for response to them, as provided in section 7.5-57. Requests may be provided to the cable operator by mail, fax or any other reasonable means.
- (3) For good cause, waive any provision herein or extend any deadline for filing or response except as to such matters as are mandatory under FCC regulations.

- (4) Rule on any request for confidentiality.
- (5) Prepare recommendations to the board of aldermen. If the recommendation is that any proposed rate be rejected in whole or in part, the coordinator shall, to the extent possible, propose a rate and explain the basis for the recommendation (it may propose that rates remain at existing levels); recommend whether and on what basis refunds should issue; and notify the cable operator of its recommendation at the time it is submitted to the board of aldermen.
- (6) Accept, assist in the preparation of, and monitor subscriber complaints concerning any rate change for cable programming services or equipment and file any necessary complaint with the FCC as directed by the board of aldermen, all as provided in section 7.5-55.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-62. - Reserved.

Sec. 7.5-63. - Joint regulation.

To the extent permitted by law, the city may conduct cable regulation pursuant to this article jointly with other municipalities in the county, served by the same cable operator, including, but not limited to, joint certification, acting through a common coordinator, holding joint proceedings, providing joint notices, and conducting joint reviews of filings. The board of aldermen shall retain the final authority to make determinations hereunder and shall issue separate orders.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-64. - Reserved.

Sec. 7.5-65. - Proprietary information.

- (a) *Requests for protection.* If this article, or any request for information made pursuant hereto, requires the production of proprietary information, a cable operator must produce the information, however, at the time the allegedly proprietary information is submitted, a cable operator may request that specific, identified portions of its response be treated as confidential and withheld from public disclosure. The request shall state the reason why the information should be treated as proprietary and the facts that support those reasons. Requests for confidential treatment or for inspection of proprietary information will be reviewed and decided by the coordinator in accordance with applicable FCC regulations and applicable state and local law.
- (b) *Identification.* Information that the cable operator claims is proprietary must be clearly identified as such by the cable operator. If it is part of a larger submission, such as a rate filing, the proprietary information must be segregated from the remainder of the submission. It must also be clearly marked so that the city may determine where the proprietary information belongs within and how it relates to the remainder of the submission.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-66. - Reserved.

Sec. 7.5-67. - Petition for change in regulatory status.

Any cable operator may petition for a change in regulatory status based on development of effective competition, and the city shall consider such a petition in accordance with FCC regulations. The cable operator shall file an original and fifteen (15) copies of the petition with the coordinator. If there are multiple cable operators providing locally regulated service within the city, each operator shall file a separate petition and receive a separate decision from the city.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-68. - Reserved.

Sec. 7.5-69. - Itemization of bills; late charges.

- (a) A cable operator shall itemize its bills so that the charges for basic service, equipment and installation are separately stated. A cable operator may, but is not required to, identify as a separate line item on each regular bill of each subscriber, in accordance with FCC regulations:
- (1) The amount of the total bill assessed as a franchise fee and the identity of the franchising authority to which the fee is paid;
 - (2) The amount of the total bill assessed to satisfy any requirements imposed on the cable operator by the franchise agreement to support public, educational, or government channels or the use of such channels; and
 - (3) The amount of any other fee, tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between operator and the subscriber.

In order for a governmental fee or assessment to be separately identified under this subsection, it must be directly imposed by a governmental body on a transaction between a subscriber and an operator. The charge identified on the subscriber's bill as the total charge for cable service shall include all itemized fees and costs.

- (b) A cable operator shall not impose a late charge upon any subscriber who pays for service within fifteen (15) days after the end of the month in which the service was provided. Late charges shall not exceed seventy-five one-hundredths (0.75) percent per month.

(Ord. No. 3446, § 1, 2-25-97)

Sec. 7.5-70. - Penalties and forfeitures.

- (a) Except as prohibited by federal or state law, a cable operator which violates this article or any city order issued hereunder directed specifically to the cable operator shall be subject to penalties and forfeitures provided for violation of city ordinances under the Municipal Code or, if applicable, the city's cable ordinance.
- (b) Charging or filing for approval of a rate that is later determined to be unreasonable is not in and of itself an evasion of federal or local regulation, and does not provide a basis for assessing penalties or forfeitures.

(Ord. No. 3446, § 1, 2-25-97)

ARTICLE III. - FRANCHISE REGULATIONS^[2]

Footnotes:

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Editor's note—Ordinance No. 3379, adopted September 26, 1995, did not specifically amend the Code; hence, codification of §§ 1—14 as §§ 7.5-71—7.5-84 was at the discretion of the editor.

Sec. 7.5-71. - Title; purpose; existing franchises.

- (a) *Title.* This article shall be known and may be cited as the "Cable Communications Regulatory Code."
- (b) *Purpose.* The city finds that further development of cable systems has the potential to be of great benefit to the city and its residents and businesses. Cable technology is rapidly changing, and cable plays an essential role as part of the city's basic infrastructure. Cable systems extensively make use of

scarce and valuable public rights-of-way, in a manner different from the way in which the general public uses them, and in a manner reserved primarily for those who provide services to the public, such as utility companies. A cable company currently typically faces very limited competition; thus, the grant of a franchise has the effect of giving the holder extensive economic benefits and places the holder in a position of public trust. Because of these facts, the city finds that public convenience, safety, and general welfare can best be served by establishing regulatory powers vested in the city or such persons as the city so designates to protect the public and to ensure that any franchise granted is operated in the public interest. In light of the foregoing, the following goals, among others, underlie the provisions set forth in this article:

- (1) Cable service should be available to as many city residents and businesses as possible and provide the widest possible diversity of information sources and services to the public.
- (2) A cable system should be capable of accommodating both present and reasonably foreseeable future cable-related needs of the community.
- (3) A cable system should be constructed and maintained during a franchise term so that changes in technology may be integrated to the maximum extent possible into existing system facilities, taking into account all relevant factors including costs.
- (4) A cable system should grow and develop and be responsive to the needs and interests of the community.

The city intends that all provisions set forth in this article be construed to serve the public interest and the foregoing public purposes, and that any franchise issued pursuant to this article be construed to include the foregoing findings and public purposes as integral parts thereof.

(c) *Existing franchise and agreements.* To the extent permitted by law, this article shall apply to franchises and other agreements in effect at the time of adoption of this article.

(Ord. No. 3379, § 1, 9-26-95)

Sec. 7.5-72. - Definitions; word usage.

For the purposes of this article, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa; words in the plural number include the singular number, and vice versa; and the masculine gender includes the feminine gender and vice versa. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words, and abbreviations not defined herein shall be given the meaning set forth in Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. Section 521 et seq., as amended, and regulations issued pursuant thereto, and, if not defined therein, their common and ordinary meaning. For convenience, federal definitions are set forth in the glossary to Ordinance No. 3379, which glossary may be revised by the city attorney to reflect subsequent changes in federal law without the need for an amendment of Ordinance No. 3379.

Cable Act: Title 47 of the United States Code, Chapter 5, Subchapter V-A, 47 U.S.C. Section 521 et seq., as amended from time to time.

City: The City of Crestwood, Missouri, and its agencies, departments, agents, and employees acting within their respective areas of authority.

Board of aldermen or board: The governing body of the city.

FCC: The Federal Communications Commission, its designee, or any successor governmental entity thereto.

Franchise agreement: A contract entered into in accordance with the provisions of this article between the city and a franchisee that sets forth, subject to this article, the terms and conditions under which a franchise will be exercised.

Franchise area: The area of the city that a franchisee is authorized to serve by its franchise agreement.

Franchise transfer:

- (1) "Franchise transfer" shall mean any transaction in which:
 - a. Any ownership or other right, title, or interest of more than ten (10) percent in a franchisee or its cable system is transferred, sold, assigned, leased, sublet, mortgaged, or otherwise disposed of or encumbered directly or indirectly, voluntarily or by foreclosure or other involuntary means, in whole or in part;
 - b. There is any change in or substitution of, or acquisition or transfer of control of, the franchisee or any person which has more than a ten (10) percent interest in a franchisee or has responsibility for or control over a franchisee's operations or over the system; or
 - c. The rights or obligations held by the franchisee under the franchise are transferred, directly or indirectly, to another person.
- (2) "Control" shall mean the legal or practical ability to direct the affairs of another person, either directly or indirectly, whether by contractual agreement, majority ownership interest, any lesser ownership interest, or in any other manner.
- (3) A rebuttable presumption that a change, acquisition, or transfer of control has occurred shall arise upon the acquisition or accumulation of a ten (10) percent or larger ownership interest by any person or group of persons acting in concert, none of whom already have more than a fifty (50) percent ownership interest, alone or collectively.
- (4) Notwithstanding the foregoing, "franchise transfer" does not include:
 - a. Disposition or replacement of worn out or obsolete equipment, property or facilities in the normal course of operating a cable system, including the renewal or extension of equipment or property leases and contracts;
 - b. Acquisition, transfer, sale or other disposition of leases, licenses, easements, and other interests in real property in the normal course of operating a cable system and not involving the relinquishment of any right or power affecting the franchisee's ability to provide services in whole or in part; or
 - c. Pledge or mortgage of a franchisee's assets to a financial institution in return for sums necessary to construct or operate (or both) the cable system, provided that such pledge or mortgage and related agreements obligate and limit such financial institution as follows: Any foreclosure or exercise of lien over the franchise or facilities shall only be by assumption of control over the entire cable system; prior to assumption of control, the institution shall notify the city that it or a designee acceptable to the city will take control of and operate the system, and shall submit a plan for such operation insuring continued service and compliance with this article and all franchise obligations during the term the institution exercises such control; and the institution shall not exercise control for longer than one (1)

year unless extended by the city for good cause and shall, prior to the expiration of such period (as extended); obtain the city's approval of a franchise transfer for the remaining term of the franchise or award of a new franchise to another qualified person pursuant to this article.

Franchisee: A person that has been granted a franchise by the city in accordance with this article.

Gross revenues: Any and all cash, credits, property or other consideration of any kind or nature, received directly or indirectly, by a franchisee or its affiliates or any person, arising from, attributable to, or in any way derived from the operation of a cable system to provide cable services, including the studios and other facilities associated therewith, within the city. "Gross revenues" include, by way of illustration and not limitation, monthly fees charged subscribers for any basic, optional, premium, per-channel, per-program, or other service; installation, disconnection, reconnection, and change-in-service fees; leased channel fees; late fees and processing fees; fees or payments received from programmers for carriage of programming on the system (which does not include contributions to joint marketing efforts); revenues from rentals or sales of converters or other equipment; studio rental and production fees; advertising revenues; revenues from program guides; and revenues from home shopping and bank-at-home channels. "Gross revenues" shall not include any franchise fees hereunder or any taxes on services furnished by a franchisee or other person which are imposed directly on any subscriber or user by the United States, the State of Missouri, the city, or other governmental unit and which are collected by a franchisee or other person on behalf of such governmental unit. "Gross revenues" shall not include revenues of another person to the extent already included in the gross revenues of one (1) person hereunder, or any proceeds from the sale or exchange of the system. "Gross revenues" shall not include revenues for goods and services which are not provided over the system, even if such goods and services are ordered using the system. In the event a person receives revenues for operations within and without the city of which no specific portion can be attributed to operations in the city, "gross revenues," with respect to such revenues, shall mean the portion thereof derived by multiplying such revenues by a fraction, the numerator of which is the number of subscribers in the city and the denominator of which is the total number of subscribers in the area generating such revenues.

Normal business hours: 8 a.m. to 5 p.m. Monday through Friday.

Normal operating conditions: Those service conditions that are within the control of a franchisee. Conditions that are not within the control of a franchisee include, but are not limited to, natural disasters, civil disturbances, power outages in excess of two (2) hours in length, telephone network outages, and severe or unusual weather conditions. Conditions that are within the control of a franchisee include, but are not limited to, special promotions, rate increases, regular peak or seasonal demand periods, maintenance or upgrade of the cable system, and power outages of two (2) hours or less in length.

Person: An individual, partnership, limited liability corporation or partnership, association, joint stock company, trust, organization, corporation, or other entity, or any lawful successor thereto or transferee thereof, but such term does not include the city.

Public rights-of-way: The surface, the air space above the surface, and the area below the surface of any public street, highway, lane, path, alley, sidewalk, boulevard, drive, bridge, tunnel, park, parkway, waterway, easement, or similar property in which the city now or hereafter holds any property interest, which, consistent with the purposes for which it was dedicated, may be used for the purpose of installing

and maintaining a cable system. No reference herein, or in any franchise agreement, to a public right-of-way shall be deemed to be a representation or guarantee by the city that its interest or other right to control the use of such property is sufficient to permit its use for such purposes, and a franchisee shall be deemed to gain only those rights to use as are properly in the city and as the city may have the undisputed right and power to give.

RFP: Stands for "request for proposal."

Sale: Any sale, exchange, or barter transaction.

Service interruption: The loss of picture or sound on one (1) or more cable channels.

Subscriber: Any person who legally receives any cable service delivered over a cable system and the city in its capacity as a recipient of such service.

User: A person utilizing part or all of a cable system for purposes of producing or transmitting video programming or other programming services as contrasted with the receipt thereof in the capacity of a subscriber.

(Ord. No. 3379, § 2, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Editor's note— For informational purposes, the federal definitions set forth in the glossary to Ord. No. 3379 and subject to revision by the city attorney to reflect subsequent changes in federal law are as follows:

Activated Channel

Affiliate

Basic Cable Service

Cable Channel or Channel

Cable Operator

Cable Service

Cable System

Federal Agency

Franchise

Multichannel Video Programming Distributor

Other Programming Service

Public Education or Governmental Access Facilities

Service Tier

Usable Activated Channels

Video Programming

Sec. 7.5-73. - Grant of franchise.

(a) *Grant by city.* The city may grant one (1) or more cable television franchises containing such provisions as are reasonably necessary to protect the public interest, and each such franchise shall be awarded in accordance with and subject to the provisions of this article. This article may be amended from time to time, and in no event shall this article be considered a contract between the city and a franchisee such that the city would be prohibited from amending any provision hereof; provided, no such amendment shall in any way impair any contract right or increase obligations of a franchisee under an outstanding and effective franchise, except in the lawful exercise of the city's police power.

(b) *Required.*

(1) No person may construct, operate, or maintain a cable system or provide cable service over a cable system within the city without a franchise granted by the city authorizing such activity. No person may construct, operate, or maintain communications facilities or provide other communications services over such facilities within the city without authorization from the city. No person may be granted a franchise without having entered into a franchise agreement with the city pursuant to this article. For the purpose of this provision, the operation of part or all of a cable system or other communications facilities within the city means the use or occupancy by facilities of public rights-of-way within the city whether or not any subscriber within the city is served. A system or other communications facilities shall be deemed as using or occupying public rights-of-way even though such use or occupancy is solely by reason of use of distribution facilities furnished by a telephone or other company pursuant to tariff or contract. A system or other communications facilities shall not be deemed as operating within the city, even though service is offered or rendered to one (1) or more subscribers within the city, if no public right-of-way is used or occupied. The location within the city of a microwave or similar relay, interconnection or program origination facility not involving the use or occupancy of public rights-of-way shall not be deemed operation within the city. In all respects, franchise agreements shall be issued so as to provide equal protection under the law and to prevent unlawful disparate treatment of persons which operate or construct cable systems or provide cable services or other communication services over a cable system.

(2) To the extent a common carrier (or any other person) is providing video programming to subscribers using radio communications, such common carrier (or other person) must obtain a franchise as required pursuant to this article but shall not be subject to requirements imposed by the Cable Act through this article. To the extent a common carrier is providing transmission of video programming on a common carrier basis, such common carrier must obtain a franchise as required pursuant to this article but shall not be subject to requirements imposed by the Cable Act through this article (but this section shall not affect the treatment of a facility of a common carrier as a cable system). To the extent a common carrier (or any other person) is providing video programming by means of an open video system pursuant to certification approved by the FCC, such common carrier (or other person) need not obtain a franchise pursuant to this article but shall be subject to requirements imposed by the Cable Act through this article as permitted by federal law, and shall pay to the city fees on gross revenues for the provision of cable service equal to and in lieu of the franchise fee imposed hereunder on cable operators in accordance with the provisions of this article. To the extent that a common carrier is providing video programming to its subscribers in a manner other than that described above in this subsection (2), such common carrier must obtain a franchise as required pursuant to this article and shall be subject to requirements imposed by the Cable Act through this article.

(c)

Length of franchise. No franchise shall initially be granted for a period of more than twenty (20) years or less than four (4) years, except that a franchisee may apply for renewal or extension pursuant to this article.

(d) *Franchise characteristics.*

- (1) A franchise authorizes use of public rights-of-way for installing, operating, and maintaining cables, wires, lines, optical fiber, underground conduit, and other devices necessary and appurtenant to the operation of a cable system to provide cable service within a franchise area, but does not expressly or implicitly authorize a franchisee to provide service to, or install a cable system on, private property without owner consent through eminent domain or otherwise (except for use of compatible easements pursuant to and consistent with Section 621 of the Cable Act, 47 U.S.C. Section 541(a)(2)), or to use publicly or privately owned poles, ducts or conduits without a separate agreement with the owners.
- (2) A franchise shall not mean or include any franchise, license, or permit for the privilege of transacting and carrying on a business within the city as generally required by the ordinances and laws of the city other than this cable communications regulatory code, or for attaching devices to poles or other structures, whether owned by the city or other person, or for excavating or performing other work in or along public rights-of-way. A franchise shall not confer any authority to provide telecommunications services or other communications services besides cable services. A franchise shall not confer any implicit rights other than those mandated by federal, state or local law.
- (3) A franchise is non-exclusive and will not explicitly or implicitly preclude the issuance of other franchises to operate cable systems within the city; affect the city's right to authorize use of public rights-of-way by other persons to operate cable systems or for other purposes as it determines appropriate; or affect the city's right to itself construct, operate, or maintain a cable system, with or without a franchise.
- (4) Once a franchise agreement has been accepted and executed by the city and a franchisee, such franchise agreement shall constitute a valid and enforceable contract between the franchisee and the city, and the terms, conditions, and provisions of such franchise agreement, subject to this article and all other duly enacted and applicable laws, shall define the rights and obligations of the franchisee and the city relating to the franchise.
- (5) All privileges prescribed by a franchise shall be subordinate to any prior lawful occupancy of the public rights-of-way, and the city reserves the right to reasonably designate where a franchisee's facilities are to be placed within the public rights-of-way through its generally applicable permit procedures without materially adding to the obligations of the franchisee.
- (6) A franchise shall be a privilege that is in the public trust and personal to the original franchisee. No franchise transfer shall occur without the prior written consent of the city upon application made by the franchisee pursuant to this article and the franchise agreement, which consent shall not be unreasonably withheld, and any purported franchise transfer made without application and prior written consent shall be void and shall be cause for the city to revoke the franchise agreement.

(e) *Franchisee subject to other laws, police power.*

- (1) A franchisee shall at all times be subject to and shall comply with all applicable federal, state, and local laws, including this article. A franchisee shall at all times be subject to all lawful exercise of the police power of the city, including, but not limited to, all rights the city may have under 47

U.S.C. Section 552; all powers regarding zoning, supervision of construction, assurance of equal employment opportunities, control of public rights-of-way, and consumer protection.

- (2) No course of dealing between a franchisee and the city, or any delay on the part of the city in exercising any rights hereunder, shall operate as a waiver of any such rights of the city or acquiescence in the actions of a franchisee in contravention of such rights except to the extent expressly waived in writing or expressly provided for in a franchise agreement.
 - (3) The city shall have full authority to regulate cable systems, franchisees, and franchises as may now or hereafter be lawfully permissible. Except where rights are expressly waived by a franchise agreement, they are reserved, whether or not expressly enumerated.
- (f) *Interpretation of franchise terms.*
- (1) In the event of a conflict between this article and a franchise agreement, the provisions of the franchise agreement control, except where the conflict arises from the lawful exercise of the city's police power.
 - (2) The provisions of this article and a franchise agreement will be liberally construed in accordance with generally accepted rules of contract construction and to promote the public interest.
- (g) *Operation of cable system without franchise.* Any person who occupies public rights-of-way for the purpose of operating or constructing a cable system or provides cable service over a cable system and who does not hold a valid franchise from the city shall be subject to all requirements of this article, including, but not limited to, its provisions regarding construction and technical standards and franchise fees. In its discretion, the city at any time may, by ordinance, require such person to enter into a franchise agreement within thirty (30) days of receipt of a written notice to such person from the city that a franchise agreement is required; require such person to remove its property and restore the affected area to a condition satisfactory to the city within such time period; grant a revocable permit to operate for a period not to exceed two (2) years, provided such period begins on the expiration date of a franchise previously issued to such person; direct municipal personnel to remove the property and restore the affected area to a condition satisfactory to the city and charge the person the costs therefor, including by placing a lien on the person's property as provided in connection with abating nuisances; or take any other action it is entitled to take under applicable law. In no event shall a franchise be created unless it is issued by ordinance of the city pursuant to this article and subject to a written franchise agreement.
- (h) *Acts at franchisee's expense.* Any act that a franchisee is or may be required to perform under this article, a franchise agreement, or applicable law shall be performed at the franchisee's expense, without reimbursement by the city, unless expressly provided to the contrary in this article, the franchise agreement, or applicable law.
- (i) *Eminent domain.* Nothing herein shall be deemed or construed to impair or affect, in any way or to any extent, the city's power of eminent domain.
- (j) *Exclusive contracts and anticompetitive acts prohibited.*
- (1) No franchisee or other multichannel video programming distributor shall enter into or enforce an exclusive contract for the provision of cable service or other multichannel video programming with any person, or demand the exclusive right to serve a person or location, as a condition of extending service to that or any other person or location.
 - (2) No franchisee or other multichannel video programming distributor shall engage in acts that have the purpose or effect of limiting competition for the provision of cable service or services similar to cable service in the city, except for such actions as are expressly authorized by law.

(Ord. No. 3379, § 3, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-74. - Applications for grant, renewal, modification, or transfer of franchises.

(a) *Written application.*

- (1) A written application shall be filed with the city clerk for grant of an initial franchise; renewal of a franchise under 47 U.S.C. Section 546(a) through (g) or Section 546(h); modification of a franchise agreement; or franchise transfer. An applicant shall demonstrate in its application compliance with all requirements of this article and all applicable laws.
- (2) To be acceptable for filing, a signed original of the application shall be submitted together with ten (10) copies. The application must be accompanied by the required filing fees, conform to any applicable request for proposals, and contain all required information. All applications shall include the names, addresses, and telephone numbers of persons authorized to act on behalf of the applicant with respect to the application.
- (3) All filed applications shall be made available by the city clerk for public inspection. Each filed application shall be reviewed promptly by the city for completeness.

(b) *Grant of a franchise, other than a Cable Act renewal franchise.*

- (1) Upon receipt of an application for a franchise other than a Cable Act renewal franchise, the board of aldermen may commence a proceeding to identify the future cable-related needs and interests of the community. Upon completion of that proceeding, or after receipt of the application if no such proceeding is commenced, the board of aldermen shall either evaluate the application or issue an RFP, which shall be mailed to the applicant and made reasonably available to any other interested person. The procedures, instructions, and requirements set forth in an RFP shall be followed by each applicant as if set forth and required herein. The city may seek additional information from any applicant and establish deadlines for the submission of such information. If the city issues an RFP, it shall evaluate all timely responses.
- (2) In evaluating an application for a franchise, including a response to an RFP, the city shall consider, among other things, the following factors:
 - a. The extent to which the applicant substantially complied with the applicable law and the material terms of any franchises in other communities.
 - b. Whether the quality of the applicant's service under any franchises in other communities, including signal quality, response to customer complaints, billing practices, and the like, was reasonable in light of the needs and interests of the communities served.
 - c. Whether there is adequate assurance that the applicant has the financial, technical, and legal qualifications to provide cable service in the city.
 - d. Whether the application satisfies any minimum requirements established by the city and is otherwise reasonably likely to meet the future cable-related needs and interests of the community, taking into account the cost of meeting such needs and interests.
 - e. Whether there is adequate assurance the applicant will provide suitable public, educational, and governmental access facilities.
 - f. Whether issuance of a franchise is warranted and in the public interest considering the immediate and future effect on the public rights-of-way that would be used by the cable system, including the extent to which installation or maintenance as planned would require replacement of property or involve disruption of property, public services, or use of the public rights-of-way.

- g. Whether the applicant or an affiliate of the applicant owns or controls any other cable system in the city, or whether grant of the application may eliminate or reduce competition in the delivery of cable service in the city.
- (3) If the board of aldermen finds that it is in the public interest to issue a franchise considering the factors set forth above, the city shall prepare a final written franchise agreement under this article that incorporates, as appropriate, the commitments made by the applicant and establish a deadline for the applicant to sign it and submit it for approval. If the applicant signs the franchise agreement and timely submits it for approval, the city shall issue a franchise by ordinance adopted no less than thirty (30) days after the filing of the original application.
- (4) If the board of aldermen denies a franchise, it will issue a written decision explaining why the franchise was denied.
- (5) Prior to deciding whether or not to issue a franchise, the board of aldermen shall hold a public hearing; however, the city may reject without hearing any application that is incomplete or fails to respond fully to an RFP.
- (6) This article is not intended and shall not be interpreted to grant standing to challenge the issuance of a franchise to another person, or to limit such standing.
- (c) *Grant of a Cable Act franchise renewal.* Applications for franchise renewal under the Cable Act shall be received and reviewed in a manner consistent with Section 626 of the Cable Act, 47 U.S.C. Section 546. If neither a franchisee nor the city activates in a timely manner, or can activate, the renewal process set forth in 47 U.S.C. Section 546(a) through (g) (including, for example, if the provisions are repealed), and except as to applications submitted pursuant to 47 U.S.C. Section 546(h), the provisions of subsection (b) shall apply and a renewal request shall be evaluated using the same criteria as any other request for a franchise. The following requirements shall apply to renewal requests properly submitted pursuant to the Cable Act:
 - (1) [Proceedings; proposals.]
 - a. If the provisions of 47 U.S.C. Section 546(a) through (g) are properly invoked, the board of aldermen shall, in accordance with the time limits of the Cable Act, commence and complete a proceeding to review the applicant's performance under the franchise during the then current franchise term and to identify future cable-related community needs and interests. Upon completion of the proceeding, the board of aldermen may issue a RFP. The board of aldermen, or its designee, shall establish deadlines and procedures for responding to the RFP, may seek additional information from the applicant, and shall establish deadlines for the submission of such additional information. Alternatively, an applicant can submit a proposal for renewal on its own initiative.
 - b. Following receipt of renewal proposals (and such additional information as may be provided in response to requests), the board of aldermen will provide prompt public notice of such proposals and thereafter either determine that the franchise should be renewed or make a preliminary assessment that the franchise should not be renewed. This determination shall be made in accordance with the time limits established by the Cable Act, including sufficient time to comply with the following procedures.
 - c. If the board of aldermen preliminarily determines that the franchise should not be renewed, which determination can be made by resolution, and the applicant that submitted the renewal proposal notifies the city clerk in writing within twenty (20) days after receipt of the preliminary determination that it wishes to pursue any rights to an administrative proceeding

it has under the Cable Act, then, if required, the board of aldermen shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. The city may also commence such a proceeding on its own initiative if it so chooses.

- d. If the board of aldermen decides to grant renewal, which decision shall be made by resolution, the city shall prepare a final written franchise agreement that incorporates, as appropriate, the commitments made by the applicant in the renewal proposal and establish a deadline for the applicant to sign it and submit it for approval. If the applicant signs the franchise agreement and timely submits it for approval, the city shall issue a franchise by ordinance. If the franchise agreement is not so accepted and approved within the time limits established by 47 U.S.C. Section 546(c)(1) and the city, renewal shall thereupon be deemed preliminarily denied, and if the applicant notifies the city clerk in writing within twenty (20) days after the expiration of the time limit established by 47 U.S.C. Section 546(c)(1) that it wishes to pursue any rights to an administrative proceeding it has under the Cable Act, then, if required, the board of aldermen shall commence an administrative proceeding after providing prompt public notice thereof, in accordance with the Cable Act. The city may also commence such a proceeding on its own initiative if it so chooses.
- (2) If an administrative proceeding is commenced pursuant to 47 U.S.C. Section 546(c), the applicant's renewal proposal shall be evaluated considering such matters as may be considered consistent with federal law. The following procedures shall apply:
- a. The board of aldermen shall, by resolution, appoint an administrative hearing officer or officers (referred to hereafter as "hearing officer"). The board of aldermen may appoint itself or one (1) or more of its members as hearing officer or any other qualified person.
 - b. The hearing officer shall establish a schedule for proceeding which allows for written discovery (requests for admissions, production of documents and interrogatory responses), production of evidence, and subpoenaing and cross-examination of witnesses. Depositions shall not be permitted unless the party requesting the deposition shows that written discovery and hearing subpoenae will not provide it an adequate opportunity to require the production of evidence necessary to present its case. The hearing officer shall have the authority to require the production of evidence as the interests of justice may require, including to require the production of evidence by the applicant that submitted the renewal proposal and any affiliate of such applicant. The hearing officer shall not prohibit discovery on the ground that evidence sought is proprietary or involves business secrets, but rather shall issue protective orders which allow reasonable and necessary discovery without making such information available to competitors. Any order of the hearing officer may be enforced by imposing appropriate sanctions in the administrative hearing or by action of the board of aldermen.
 - c. The hearing officer may conduct a prehearing conference and establish appropriate prehearing orders. The city and the applicant shall be the only parties. The city may have special counsel to represent its interests at the hearing so that the city attorney may advise the board of aldermen as it makes its decision.
 - d. The hearing officer may require the city and the applicant to submit prepared written testimony prior to the hearing. Unless the parties agree otherwise, the applicant shall present evidence first, the city shall present evidence second, and the applicant shall be allowed the opportunity to present rebuttal evidence. Any reports or the transcript or

summary of any proceedings conducted pursuant to 47 U.S.C. Section 546(a) shall, for purposes of the administrative hearing, be regarded no differently than any other evidence. The city and the applicant must be afforded full procedural protection regarding evidence related to these proceedings, including the right to refute any evidence introduced in these proceedings or sought to be introduced by the other party. Both shall have the opportunity to submit additional evidence related to issues raised in the proceeding conducted pursuant to 47 U.S.C. Section 546(a).

- e. There shall be a transcribed proceeding during which each party will be allowed to present testimony (live, or written if so required) and cross-examine the witnesses of the other party.
 - f. Following completion of any hearing, the hearing officer shall require the parties to submit proposed findings of fact with respect to the matters that the board of aldermen is entitled to consider in determining whether renewal ought to be granted. Based on the record of the hearing, the hearing officer shall then prepare written findings with respect to those matters, and submit those findings, including a decision and the reasons therefor, to the board of aldermen and to the parties (unless the hearing officer is the board of aldermen, in which case the written findings shall constitute the final decision of the city).
 - g. If the hearing officer is not the board of aldermen, the parties shall have thirty (30) days from the date the findings are submitted to the board of aldermen to file exceptions to those findings. The board of aldermen shall thereafter issue a written decision granting or denying the application for renewal, consistent with the requirements of the Cable Act, based on the record of such proceeding, stating the reason for the decision. A copy of the final decision of the board of aldermen shall be provided to the parties.
 - h. The proceeding shall be conducted with due speed. Any decision to renew a franchise shall be made by ordinance enacted no less than thirty (30) days after the filing of the application, and subsequent to preparation of a written franchise agreement consistent with the decision by the city and signature thereof by the applicant.
 - i. In conducting the proceeding, and except as inconsistent with the foregoing, the hearing officer will follow the Missouri Administrative Procedures Act, as amended. The hearing officer may request that the board of aldermen adopt additional reasonable and necessary procedures and requirements by resolution.
- (3) This section does not prohibit any franchisee from submitting, or the city from considering, an informal renewal application pursuant to 47 U.S.C. Section 546(h), which application may be granted or denied in accordance with the provisions of 47 U.S.C. Section 546(h). If such an informal renewal application is granted, including during the course of formal renewal proceedings, then the steps specified in subsections (c)(1) and (c)(2) of this section need not be taken, notwithstanding the provisions of those subsections, however, the city will provide the public with adequate notice before making a decision on such an application, and will make any decision to renew by ordinance enacted no less than thirty (30) days after the filing of the application, and subsequent to the preparation of a written franchise agreement by the city and signature thereof by the applicant. Unless otherwise directed by the city, an informal renewal application shall contain the information required under subsection (d).
- (4) The provisions of this article shall be read and applied so that they are consistent with Section 626 of the Cable Act, 47 U.S.C. Section 546, as amended.

Contents. An RFP for the grant of a franchise, including for a franchise renewal, shall require, and any application submitted shall contain, at a minimum, the following information:

- (1) Name and address of the applicant and identification of the ownership and control of the applicant, including the names and addresses of all persons with more than a ten-percent ownership interest in the applicant and all persons in control of the applicant and/or the operations or system of the applicant; and any other business affiliation and cable system ownership interest of each named person.
- (2) A demonstration of the applicant's technical ability to construct and/or operate the proposed or existing cable system, including identification of key personnel and their cable television experience.
- (3) A demonstration of the applicant's legal qualifications to construct and/or operate the proposed or existing cable system, including, but not limited to, a demonstration that the applicant meets the following criteria:
 - a. The applicant has not had any cable television franchise validly revoked by any franchising authority within three (3) years preceding the submission of the application. If any revocation action is pending, it must be identified and explained.
 - b. The applicant has the necessary authority under state law to operate a cable system.
 - c. The applicant has authority to hold the franchise as a matter of federal law. An applicant must have, or show that it is qualified to obtain, any necessary federal franchises or waivers required to operate the proposed or existing cable system.
 - d. The applicant and its key personnel have not, at any time during the ten (10) years preceding the submission of the application, been convicted of any criminal act or omission or civil violation of such character that the applicant cannot be relied upon to comply substantially with its lawful obligations under applicable law, including obligations under consumer protection laws and laws prohibiting anticompetitive acts, fraud, racketeering, or other similar conduct. This criteria can be met by submission of a statement that there are no convictions, or by submission of a list reflecting that all convictions are of a minor nature.
 - e. The applicant has not filed materially misleading information in its application or intentionally withheld information that the applicant lawfully is required to provide.
 - f. No elected official or employee of the city holds a controlling interest in the applicant or an affiliate of the applicant, or has received any promise of such an interest, or has received any gratuity, commission, percentage, brokerage, or contingency fee or other compensation for issuance or renewal of a franchise, or promise thereof.
- (4) A statement prepared by a certified public accountant regarding the applicant's financial ability to complete any proposed construction and to operate the proposed or existing cable system.
- (5) A description of the applicant's prior experience in cable system ownership, construction, and operation, and identification of communities in which the applicant or any of its affiliates have, or have had, a cable franchise or franchise or any interest therein.
- (6) Identification of the area of the city to be served by the proposed cable system, including a description of the proposed franchise area's boundaries.
- (7) A detailed description of existing and any proposed physical facilities, including channel capacity, technical design, performance characteristics, headend, and access facilities.
- (8)

A description of any promised construction, including an estimate of plant mileage and its location; the proposed construction schedule.

- (9) A description, where appropriate, of how services will be converted from existing facilities to new facilities.
 - (10) A demonstration of how the applicant will reasonably meet the future cable-related needs and interests of the community, including descriptions of how the applicant will meet or disagrees with the needs described in any recent community needs assessment conducted by or for the city.
 - (11) A description of public, educational, and governmental access facilities to be provided.
 - (12) If the applicant proposes to provide cable service to an area already served by an existing franchisee, the identification of the area where the overbuild would occur, the potential subscriber density in the area that would encompass the overbuild, and the ability of the public rights-of-way and other property that would be used by the applicant to accommodate an additional system.
 - (13) Any other information as may be reasonably necessary to demonstrate compliance with the requirements of this article.
 - (14) Information that the city may reasonably request of the applicant that is relevant to the city's consideration of the application.
 - (15) An affidavit or declaration of the applicant or authorized representative certifying the truth, accuracy, and completeness of the information in the application, acknowledging the enforceability of application commitments upon acceptance through the granting of a franchise, and certifying that the application is consistent with all federal, state, and local laws.
 - (16) Applicants for renewals may refer to prior applications as long as they submit such updated information as required to make the application current.
- (e) *Modification of a franchise.*
- (1) An application for modification of a franchise agreement shall include, at minimum, the following information:
 - a. The specific modification requested;
 - b. The justification for the requested modification, including the impact of the requested modification on subscribers and others, and the financial impact on the applicant if the modification is approved or disapproved, demonstrated through, among other things, submission of financial pro formas covering the period of time in which the modification would be in effect if approved, including a statement of projected gross revenues and income;
 - c. A statement whether the modification is sought pursuant to Section 625 of the Cable Act, 47 U.S.C. Section 545, and, if so, a demonstration that the requested modification meets the standards set forth in 47 U.S.C. Section 545;
 - d. Any other information that the applicant believes is necessary for the city to make an informed determination on the application for modification; and
 - e. An affidavit or declaration of the applicant or authorized officer certifying the truth, accuracy, and completeness of the information in the application, acknowledging the enforceability of application commitments upon acceptance through the granting of the modification, and certifying that the application is consistent with all federal, state, and local laws.

- (2) If the request for modification is subject to 47 U.S.C. Section 545, the board of aldermen will conduct its review and make its decision in conformity with that statute. If the request for modification is not subject to 47 U.S.C. Section 545, the board of aldermen will conduct its review and make its decision by ordinance enacted no less than thirty (30) days after the application is filed, subsequent to preparation of a modified written franchise agreement by the city and signature thereof by the applicant.
 - (3) An extension of a franchise term by less than four (4) years shall constitute a modification. An extension of a franchise term by four (4) years or more shall be processed through formal or informal renewal procedures.
- (f) *Franchise transfers.*
- (1) *City approval required.* No franchise transfer shall occur without prior written application to and written approval of the board of aldermen by ordinance enacted after a public hearing, and only then upon such terms and conditions as the board of aldermen reasonably deems necessary and proper. Approval shall not be unreasonably withheld. Any purported franchise transfer made without such prior approval shall be void and shall be cause for the city to revoke the franchise agreement. A grant of a franchise involves personal credit, trust, and confidence in the franchisee, and franchise transfer without the prior written approval of the board of aldermen shall be considered to impair the city's assurance of due performance. The granting of approval for a franchise transfer in one (1) instance shall not render unnecessary approval of any subsequent franchise transfer.
 - (2) *Application.*
 - a. The franchisee shall promptly notify the city clerk in writing of any proposed franchise transfer. If any franchise transfer should take place without prior notice to the city, the franchisee will promptly notify the city clerk in writing that such a franchise transfer has occurred.
 - b. At least one hundred twenty (120) calendar days prior to the contemplated effective date of a franchise transfer, the franchisee shall submit to the city clerk an application for approval of the franchise transfer. Such an application shall provide information on the proposed transaction, including details on the legal, financial, technical, and other qualifications of the transferee, any waivers required from the city under applicable law, and on the potential impact of the franchise transfer on subscriber rates and service. At a minimum, the following information must be included in the application:
 1. All information and forms required under federal law;
 2. All information described in subsections 7.5-74(d)(1) through (5), (9), (11), (13) through (15) of this article, regarding the transferee instead of the applicant, and regarding the franchise transfer rather than initial or renewal franchise;
 3. A description of any business relationships or transactions of any kind, past, present, or anticipated, between the franchisee, or its owners or affiliates, and the transferee, or its owners or affiliates, other than the proposed transaction;
 4. Any contracts, financing documents, or other documents that relate to the proposed transaction, and all documents, schedules, exhibits, or the like referred to therein;
 5. A description of the sources and amounts of the funds to be used in the proposed transaction, indicating how the debt-equity ratio of the system will change in the course of the transaction; what entities will be liable for repayment of any debt incurred; what

interest, payment schedule, and other terms or conditions will apply to any debt financing; any debt coverages or financial ratios any potential transferees will be required to maintain over the franchise term if the proposed transaction is approved; what financial resources would be available to the system under the control of the proposed transferee;

6. Any other information necessary to provide a complete and accurate understanding of the financial position of the system before and after the proposed franchise transfer, including, but not limited to, projected income statements and cash flow statements, including capital investments, for at least five (5) years after the proposed franchise transfer, assuming the franchise transfer is approved, stating specifically what assumptions are being made with respect to any rebuild or upgrade of the system;
 7. A statement that the franchisee is in compliance with its franchise obligations over the term of the franchise, or specific descriptions of any noncompliance of which the franchisee or any potential transferee is aware.
- c. For the purposes of determining whether it shall consent to a franchise transfer, the board of aldermen and its agents may inquire into the qualifications of the prospective transferee and such other matters as the board of aldermen may deem necessary to determine whether the franchise transfer is in the public interest and should be approved or denied. The franchisee and any prospective transferees shall assist the city council in any such inquiry, and, if they fail to reasonably cooperate, the request for approval of franchise transfer may be denied. Proprietary information shall be protected from disclosure to competitors to the extent permitted by law.

(3) *Determination by city.*

- a. In making a determination as to whether to grant, deny, or grant subject to conditions an application for approval of a franchise transfer, the board of aldermen shall consider the legal, financial, and technical qualifications of the transferee to operate the system; whether any required waivers under applicable law are in the best interests of the public; whether the franchisee is in compliance with its franchise agreement and this article and, if not, the proposed transferee's commitment to cure such noncompliance; and whether operation by the transferee on approval of the franchise transfer would adversely affect the city's interest under this article, the franchise agreement, other applicable law, or the public interest, or make it less likely that the future cable-related needs and interests of the community would be satisfied.
- b. The city shall make its determination in accordance with any time limits imposed by federal law, including under 47 U.S.C. Section 537(e).
- c. Any purported franchise transfer made without the board of aldermen's prior written approval shall be void, and shall make a franchise subject to revocation at the board of aldermen's sole discretion, and make any other remedies available to the city under the franchise or other applicable law. Acceptance of filing of an application for approval of a franchise transfer later than one hundred twenty (120) days before the purported effective date of the franchise transfer shall not validate the transaction or excuse the late filing, and, in such an instance, the city shall retain the right to make its decision regarding such a franchise transfer within one hundred twenty (120) days unless action is required sooner by law.

- (4) *Transferee's agreement.* No application for approval of a franchise transfer shall be granted unless and until the proposed transferee submits an agreement in writing that it will abide by and accept all terms of this article and the franchise agreement, and that it will assume the obligations and liabilities, known and unknown, of the previous franchisee under this article and the franchise agreement for all purposes, including renewal, unless the board of aldermen approves a modification of the franchise agreement pursuant to subsection (e) in conjunction with its approval of the franchise transfer, in which case the proposed transferee's agreement shall refer to the franchise agreement as so modified.
- (5) *Approval does not constitute waiver.* Approval by the board of aldermen of a franchise transfer does not constitute a waiver or release of any of the rights of the city under this article or a franchise agreement, whether arising before or after the date of the franchise transfer; however, upon approval of a franchise transfer, the former franchisee shall be released from prospective liability under the franchise.
- (g) *Filing fees and deposits.* To be acceptable for filing, an application under this section 7.5-74 shall be accompanied by a filing fee in the following amounts to cover the city's internal administrative costs incidental to the franchising process:
 - (1) For an initial franchise: One thousand dollars (\$1,000.00).
 - (2) For renewal of a franchise under 47 U.S.C. Section 546(a) through (g): One thousand dollars (\$1,000.00).
 - (3) For renewal of a franchise under 47 U.S.C. Section 546(h): Five hundred dollars (\$500.00).
 - (4) For modification of a franchise agreement: Five hundred dollars (\$500.00).
 - (5) For approval of a franchise transfer: Five hundred dollars (\$500.00).
- (h) *Public proceedings.* An applicant shall be notified of any public proceedings held in connection with the evaluation of its application and shall be given an opportunity to be heard thereat. Notice of all public proceedings of the city shall be published and posted in accordance with its usual practices.
- (i) *Intergovernmental cooperation.* By resolution of the board of aldermen, any part or all of the process established by this section 7.5-74 may be conducted in concert with other political subdivisions served or to be served by the applicant.

(Ord. No. 3379, § 4, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-75. - Construction of cable system.

- (a) *Schedule.* Every franchise agreement shall specify the construction schedule that will apply to any required construction, upgrade, or rebuild of the cable system. Failure on the part of a franchisee to commence and diligently pursue such requirements and complete the matters set forth in its franchise agreement or to comply with the system design and construction plan submitted to the city, including by providing the equipment specified (or its equivalent) and by following generally accepted installation practices (except insofar as those plans or practices, if carried out, would result in construction of a system which could not meet requirements of federal, state or local law; and except for such minor modifications as are typical in the industry), shall be grounds for revocation of its franchise under and pursuant to the terms of subsection 7.5-82(e); provided, however, that the board of aldermen in its discretion may extend the time for the completion of construction and installation for additional periods by resolution in the event a franchisee, acting in good faith, experiences delays

by reason of circumstances beyond its control and requests such an extension in writing. A franchisee's failure to comply with provisions of the construction plan approved by the board of aldermen shall also be grounds for imposition of penalties pursuant to subsection 7.5-82(h).

(b) *Procedures.*

- (1) A franchisee shall construct, operate and maintain the cable system subject to the supervision of all of the authorities of the city who have jurisdiction in such matters, and in compliance with all laws, ordinances, departmental rules and regulations affecting the system.
- (2) The system, and all parts thereof, shall be subject to periodic inspection by the city.
- (3) No construction, reconstruction or relocation of the system or any part thereof within the public rights-of-way shall be commenced until written permits have been obtained from the proper city officials. In any permit so issued, such officials may impose such conditions and regulations as a condition of the granting of the permit as are reasonably necessary for the purpose of protecting any structures or facilities in the public rights-of-way and for the proper restoration of such public rights-of-way and structures and facilities, and for the protection of the public and the continuity of pedestrian and vehicular traffic.
- (4) The board of aldermen may, by resolution or ordinance, from time to time, issue such reasonable rules and regulations concerning the construction, operation and maintenance of the system as are consistent with the provisions of this article and franchises issued pursuant to this article.

(c) *Standards.*

- (1) The construction, operation, maintenance, and repair of a cable system shall be in accordance with all applicable sections of the Occupational Safety and Health Act of 1970, the National Electrical Safety Code, the National Electric Code, National Cable Television Association Standards of Good Engineering Practices; Obstruction Marking and Lighting, Federal Aviation Administration; Construction, Marking and Lighting of Antenna Structures, Federal Communications Commission Rules Part 17; AT&T Manual of Construction Procedures (Blue Book); Franchisee's Construction Procedures Manual; other federal, state, or local laws and regulations that may apply to the operation, construction, maintenance, or repair of a cable system, including, without limitation, local zoning and construction codes, and laws and accepted industry practices, all as hereafter may be amended or adopted. In the event of a conflict among codes and standards, the most stringent code or standard shall apply (except insofar as that code or standard, if followed, would result in a system that could not meet requirements of federal, state or local law). The city may adopt additional reasonable standards as required to ensure that work continues to be performed in an orderly and workmanlike manner, or to reflect changes in standards which may occur over a franchise term.
- (2) All wires, cable lines, and other transmission lines, equipment, and structures shall be installed and located to cause minimum interference with the rights and convenience of property owners, including the city.
- (3) All electronic equipment shall be of good and durable quality.
- (4) Without limiting the foregoing, antennae and their supporting structures (towers) shall be designed in accordance with the Uniform Building Code and Electronics Industry Association RS-22A Specifications, as amended, and shall be painted, lighted, erected, and maintained in

accordance with all applicable rules and regulations of the Federal Aviation Administration and all other applicable federal, state, or local laws, codes, and regulations, all as hereafter may be amended or adopted.

- (5) Without limiting the foregoing, all of a franchisee's plant and equipment, including, but not limited to, the antennae site, headend and distribution system, towers, house connections, structures, poles, wires, cable, coaxial cable, fiber optic cable, fixtures, and apparatuses shall be installed, located, erected, constructed, reconstructed, replaced, removed, repaired, maintained, and operated in accordance with good engineering practices, performed by experienced and properly trained maintenance and construction personnel so as not to endanger any person or property or to unreasonably interfere in any manner with the public rights-of-way or legal rights of any property owner including the city or unnecessarily hinder or obstruct pedestrian or vehicular traffic.
- (6) All safety practices required by law shall be used during construction, maintenance, and repair of a cable system. A franchisee shall install and maintain in use commonly accepted methods and devices to prevent failures and accidents that are likely to cause damage, injury, or nuisance to the public.
- (7) A franchisee shall not place facilities, equipment, or fixtures where they will interfere with any cable, gas, electric, telephone, water, sewer, or other utility facilities, or obstruct or hinder in any manner the various utilities serving the residents and businesses in the city of their use of any public rights-of-way.
- (8) Any and all public rights-of-way, public property, or private property disturbed or damaged during the construction, repair, replacement, relocation, operation, maintenance, or construction of a system shall be repaired or replaced by the franchisee within a reasonable time specified by the city.
- (9) A franchisee shall, by a reasonable time specified by the city, protect, support, temporarily disconnect, relocate, or remove discrete portions of its property when required by the city by reason of traffic conditions; public safety; public right-of-way construction; public right-of-way maintenance or repair (including resurfacing or widening); change of public right-of-way grade; construction, installation or repair of sewers, drains, water pipes, power lines, signal lines, tracks, or any other type of government-owned communications system, public work or improvement or any government-owned utility; public right-of-way vacation; or for any other purpose where the convenience of the city would be reasonably served thereby; provided, however, that the franchisee may abandon any property in place if approved by the city in writing, and provided further that the franchisee shall not be required to make permanent changes in its facilities to accommodate the installation of another cable system, nor should it be required to make temporary changes solely to disrupt its business or otherwise provide an unfair advantage to a competitor. No action hereunder shall be deemed a taking of the property of a franchisee and a franchisee shall not be entitled to any compensation therefor. No location of any pole or wire-holding structure of a franchisee shall be a vested interest.
- (10) If any action under the preceding subsection is reasonably required to accommodate the construction, operation, or repair of the facilities of another person that is authorized to use the public rights-of-way, a franchisee shall, after thirty (30) days' advance written notice, take action to effect the necessary changes requested. The franchisee shall be reimbursed by such other person for costs reasonably incurred in taking such action. The board of aldermen may resolve disputes as to responsibility for costs associated with the removal, relaying, or relocation of

facilities as among entities authorized to install facilities in the public rights-of-way if the parties are unable to do so themselves, and if the matter is not governed by a valid contract between the parties.

- (11) In the event of an emergency, or where a cable system creates or is contributing to an imminent danger to health, safety, or property, the city may remove, relay, or relocate the pertinent parts of that cable system without prior notice. No charge shall be made by the franchisee against the city for restoration and repair.
- (12) A franchisee shall, on the request of the city or any person holding a permit issued by the city, temporarily raise or lower its wires to permit the moving of buildings or oversized vehicles. The expense of such temporary removal or raising or lowering of wires shall be paid by the person requesting same, and the franchisee shall have the authority to require such payment in advance, except in the case where the request is made by the city on its own behalf, in which case no such payment shall be required. The franchisee shall be given not less than forty-eight (48) hours' advance notice to arrange for such temporary wire changes unless the board of aldermen has declared an emergency.
- (13) A franchisee shall have the authority to trim trees that overhang a public right-of-way of the city so as to prevent the branches of such trees from coming in contact with the wires and cables of the franchisee, at its own expense, subject to the supervision and direction of the city. Trimming of trees on private property shall require written permission of the property owner. All cut materials shall be properly disposed.
- (14) A franchisee shall use, with the owner's permission, existing underground conduits or overhead utility facilities whenever feasible and may not erect poles in public rights-of-way without the express written permission of the board of aldermen, which permission shall not be unreasonably withheld. Copies of agreements for use of conduits or other facilities shall be filed with the city clerk as required by a franchise agreement or upon city request.
- (15) Trunk, feeder and drop cable may be constructed overhead where poles exist and electric, cable television or telephone lines are overhead, but, where no overhead lines exist, all trunk, feeder and drop cable shall be constructed underground. Whenever and wherever all electric lines and telephone lines are moved from overhead to underground placement, all cable system cables shall be similarly moved and the cost of movement of its cable shall be solely the obligation of the franchisee. In cases of new construction or property development where utilities are to be placed underground, on request of the franchisee, the developer or property owner shall give a franchisee reasonable notice of the particular date on which open trenching will be available to the franchisee for installation of conduit, pedestals and/or vaults, and laterals to be provided at the franchisee's expense. The franchisee shall also provide specifications as needed for trenching. Costs of trenching and easements required to bring facilities within the development shall be borne by the developer or property owner; except that if the franchisee fails to install its conduit, pedestals and/or vaults, and laterals within five (5) working days of the date the trenches are available, as designated in the notice given by the developer or property owner, then should the trenches be closed after the five-day period, the cost of new trenching is to be borne by the franchisee.
- (16) The city shall have the right to install and maintain free of charge upon any poles or within any conduit owned by a franchisee any wire and pole fixtures that do not unreasonably interfere with the cable system operations of the franchisee.

- (17) Prior to construction or rebuild of a cable system, a franchisee shall first submit to the board of aldermen for approval a concise description of the cable system proposed to be erected or installed, including engineering drawings, if required by the board of aldermen, together with a map and plans indicating the proposed location of all such facilities, and obtain written approval therefor from the board of aldermen, which approval shall not be unreasonably withheld.
- (18) Any contractor or subcontractor used for work or construction, installation, operation, maintenance, or repair of system equipment must be properly licensed under laws of the state and all applicable local ordinances, and each contractor or subcontractor shall have the same obligations with respect to its work as a franchisee would have under the franchise agreement and applicable laws if the work were performed by the franchisee. The franchisee must ensure that contractors, subcontractors and all employees who will perform work for it are trained and experienced. The franchisee shall be responsible for ensuring that the work of contractors and subcontractors is performed consistent with the franchise and applicable law, shall be fully responsible for all acts or omissions of contractors or subcontractors, shall be responsible for promptly correcting acts or omissions by any contractor or subcontractor, and shall implement a quality control program to ensure that the work is properly performed.
- (19) Upon failure of a franchisee to commence, pursue or complete any work required by law or by the provisions of this article to be done in any street, within the time prescribed and to the reasonable satisfaction of the city, the city may, at its option, after thirty (30) days' notice to the franchisee, cause such work to be done and the franchisee shall pay to the city the cost thereof in the itemized amounts reported by the city to the franchisee within thirty (30) days after receipt of such itemized report.
- (20) The franchisee shall make no paving cuts or curb cuts except after written permission has been given by the city, which permission shall not unreasonably be withheld.
- (21) The franchisee shall install in conduit all cable passing under any major roadway.
- (d) *Area served.* A franchisee shall build and maintain its system so that within a reasonable period of time, as established by the franchise, it is able to provide service to all households desiring service located within the franchise area without any construction charges (other than standard connection charges and drop charges as indicated in subsection (e)(2)). A franchisee must build and maintain its system so that it can extend service to households desiring service located outside the franchise area in accordance with subsections (e)(1) through (4). Connections to commercial customers shall be governed by subsection (e)(5).
- (e) *Line extension requirements.*
 - (1) [Charges.]
 - a. For areas within the city limits but outside the franchise area, including areas annexed after the effective date of its franchise, a franchisee shall, upon request of the board of aldermen, extend its trunk and distribution system to serve households desiring service without any construction charge (other than standard connection charges and drop charges as indicated in subsection (e)(2)), unless the franchisee demonstrates to the board of aldermen's satisfaction evidenced by written decision that circumstances justify a specific charge, where the new subscriber requesting service is located within five hundred (500) feet from the termination of the cable system, or the number of potential subscribers to be passed by such extension is equal to or greater than six (6) potential households per quarter mile measured from any point on the system.

- b. In the event that the requirements set forth in the foregoing subsection a. are not met, the franchisee shall, on request of the board of aldermen, extend its cable system based upon the following cost-sharing formula. The franchisee shall contribute an amount equal to the construction costs per mile multiplied by the length of the extension in miles, multiplied by a fraction where the numerator equals the number of potential households per quarter mile at the time of the request and the denominator equals six (6). Households requesting service as of the completion of construction can be required to bear the remainder of the total construction costs on a pro rata basis.

The "construction costs" are defined as the actual turnkey cost to construct the entire extension, including lines, materials, electronics, pole make-ready charges, and labor, but not the cost of drops except as provided below. If the franchisee proposes to require a household requesting extension to make a contribution in aid of extension, it must (1) notify the board of aldermen in advance; (2) send the board of aldermen a copy of the invoice showing the amount actually charged each household requesting extension; and (3) within thirty (30) days of completion of the extension, furnish proof of the total cost of the extension and make any appropriate refunds if the total cost is less than the amounts charged in advance of construction. At the end of each calendar year, the franchisee must calculate the amount any contributing person would have paid based on the number of persons served at that time and pay back the difference between the amount actually collected from that person and the amount which would then be owed. The franchisee shall report such calculations and refunds to the city clerk by the end of January of the following year.

- (2) Installation of drops. Except as federal rate regulations may otherwise require, the franchisee shall not assess any additional cost for service drops of one hundred fifty (150) feet or less unless the franchise demonstrates to the board of aldermen's satisfaction, evidenced by written decision, that circumstances justify a specific charge. Where a drop exceeds one hundred fifty (150) feet in length, a franchisee may charge the subscriber for the difference between franchisee's actual costs associated with installing a one hundred fifty-foot drop, and the franchisee's actual cost of installing the longer drop, provided that drop length shall be the shorter of the actual length of installed drop or the shortest practicable distance to the point where the franchisee would be required to extend its distribution system.
- (3) Location of drops. Except as federal rate regulations may otherwise require, in any area where a franchisee would be entitled to install a drop above ground, the franchisee will provide the subscriber the option to have the drop installed underground, but may charge the subscriber the difference between the actual cost of the above-ground installation and the actual cost of the underground installation.
- (4) Time for extension. A franchisee must extend service to any person who requests it:
- a. Within seven (7) days of the request within the franchise area or where service can be provided by activating or installing a drop within one hundred fifty (150) feet of the existing distribution system;
 - b. Within thirty (30) days of the request for service outside the franchise area where an extension of one-half ($\frac{1}{2}$) mile or less (but more than one hundred fifty (150) feet) is required; or
 - c. Within six (6) months for service outside the franchise area where an extension of one-half ($\frac{1}{2}$) mile or more is required.

- (5) [Payment of connection costs by commercial customers.] Because existing conditions can vary dramatically, the franchise may, in its discretion, require commercial customers to pay all reasonable costs of connection (including time and materials) in excess of the average cost of connection for residential services.
- (f) *Tests and inspections.*
- (1) Tests. A franchisee shall perform the following tests to demonstrate compliance with the requirements of the franchise and other performance standards established by federal law. All tests shall be conducted in accordance with federal rules and in accordance with the most recent edition of NCTA's "Recommended Practices for Measurements on Cable Television Systems," or if no recent edition exists, such other appropriate manual as the parties may designate.
- a. Preconstruction quality control on cable and equipment. A franchisee shall perform preconstruction quality tests on system components. In case of passive components, this will include testing a significant sample of devices to verify compliance with manufacturer's specifications.
1. All trunk and distribution cable shall be sweep-tested on the reels to verify compliance with manufacturer's specifications for frequency response and loss.
 2. All trunk and distribution amplifiers shall be bench-tested to verify compliance with manufacturer's specifications.
 3. No component shall be used in the system which fails to meet manufacturer's specifications. A franchisee shall maintain in the metropolitan St. Louis area records of all preconstruction tests, which the city may inspect during normal business hours on reasonable notice.
- b. Acceptance tests. A franchisee shall perform acceptance tests prior to subscriber connection. The tests shall demonstrate that the system components are operating as expected. The test results shall be submitted to the city clerk for review by the city. The franchisee shall have the obligation, without further notice from the city, to take corrective action if any system components are not operating as expected. Unless the city determines test results are not adequate to demonstrate system compliance with the standards described above and objects within three (3) working days of receipt of the test results, the portion of the system covered by the tests will be deemed approved for subscriber connection.
- c. Continuing tests.
1. The franchisee shall select locations at the extremities of the system to install equipment to establish sufficient permanent test points in accordance with federal law and sound engineering practices. The franchisee shall perform proof of performance tests at these locations at least once every six (6) months through the life of the franchise except as federal law otherwise limits its obligation, and at other times and points where complaints indicate tests are warranted. The tests shall demonstrate system compliance with technical specifications established pursuant to franchise, or other applicable law. If the city requests to witness the tests, it shall be notified in writing delivered to the city clerk at least forty-eight (48) hours in advance of any testing.
 2. A written report of all test results shall be filed with the city clerk within thirty (30) days of each test. If the location fails to meet performance specifications, the franchisee, without requirement of additional notice or request from the city, shall take corrective action, retest the location and advise the city of the action taken and results achieved by writing

filed with the city clerk. The city shall have the option of witnessing such follow-up tests and shall be notified in writing delivered to the city clerk at least forty-eight (48) hours in advance of any such follow-up testing.

3. At any time after commencement of service to subscribers, the city may require additional tests, full or partial repeat tests, different test procedures, or tests involving a specific subscriber's terminal. Requests for such additional tests will be made on the basis of complaints received or other evidence indicating an unresolved controversy or significant noncompliance, and such tests will be limited to the particular matter in controversy. The city may conduct such tests independently on three (3) days' advance notice to the franchisee. The city will endeavor to so arrange its requests for such special tests so as to minimize hardship or inconvenience to the franchisee and the subscriber(s).

d. All reports of test results shall include executive summaries.

e. Test procedures used in verification of the performance criteria set forth herein, if not as set forth in Section 76.609, Subpart K of the FCC Rules and Regulations, shall be in accordance with good engineering practice and shall be fully described in an attachment to the annual certificate filed with the city.

f. To the extent that the report of measurements as required above may be combined with any reports of measurements required by the FCC or other regulatory agencies, the city shall accept such combined reports, provided that all standards and measurements herein or hereafter established by the city are satisfied.

- (2) Inspections. The city may conduct inspections of the system, including to assess compliance with the construction and installation practices manuals and design plans. The franchisee shall be notified in writing of any violations found during the course of inspections. The franchisee must bring violations into compliance within thirty (30) days of the date notice of violation is given, and must submit a report to the city clerk describing the steps taken to bring itself into compliance. Inspection does not relieve the franchisee of its obligation to build in compliance with all provisions of the franchise.

(g) *Use of public property.*

- (1) Should the grades or boundaries of the public rights-of-way which the franchisee is authorized to use and occupy be changed at any time during the term of the franchise granted, the franchisee shall, if necessary, at its own cost and expense, relocate or change its system so as to conform with the new grades or boundaries.
- (2) Any alteration to the existing water mains, sewerage or drainage system or to any city, state or other public structures or facilities in the public rights-of-way required on account of the construction of the system in the public rights-of-way shall be made at the sole cost and expense of the franchisee. During any work of constructing, operating or maintaining of the system, the franchisee shall also, at its own cost and expense, protect any and all existing structures and facilities belonging to the city and any other person. All work performed by the franchisee pursuant to this section shall be done in such reasonable manner prescribed by the city or other officials having jurisdiction thereover.

- (h) *Interference with public projects.* Nothing in this article shall be in preference or hindrance to the right of the city and any board, authority, commission or public service corporation to perform or carry on any public works or public improvements of any description.

- (i) *Publicizing proposed construction work.* Unless not possible due to emergency circumstances, the franchisee shall publicize proposed construction work at least ten (10) days prior to commencement of that work by causing written notice of such construction work to be delivered to the city clerk. In addition, unless not possible due to emergency circumstances, before entering onto any person's property, a franchisee shall contact the property owner or occupant at least one (1) day in advance. If a franchisee must enter a private building, it must have permission of the owner or occupant.
- (j) *Maintenance.*
 - (1) Interruptions to be minimized. A franchisee shall schedule maintenance so that activities likely to result in an interruption of service are performed during periods of minimum subscriber use of the system.
 - (2) Maintenance practices. In addition to its other obligations, a franchisee shall use replacement components of good and durable quality, with characteristics better or equal to replaced equipment; and follow the more stringent of maintenance standards specified in the franchise agreement, cable television's industry maintenance standards or the franchisee's maintenance standards.
- (k) *Continuity of service.*
 - (1) It shall be the right of all persons in a franchisee's franchise area to receive all available services from the franchisee as long as their financial and other obligations to the franchisee are satisfied, and subject to reasonable construction standards and schedules, and subject to availability of legal access to the location.
 - (2) A franchisee shall make every reasonable effort to provide all subscribers with continuous uninterrupted service. At the city's request, a franchisee shall operate its system for a temporary period under a revocable permit granted expressly by ordinance or tacitly following the termination of its franchise or franchise transfer as necessary to maintain service to subscribers, and shall cooperate with the city to assure an orderly transition from it to another franchisee or system operator (the "transition period"). The transition period shall be no longer than the reasonable period required for another franchisee to commence service, and shall not be longer than two (2) years. During the transition period, the franchisee shall continue to be obligated to comply with the terms and conditions of its franchise agreement and applicable laws and regulations, and will thereupon continue to receive operating revenues during such transition period.

(Ord. No. 3379, § 5, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-76. - System facilities, equipment, and services.

- (a) *Compliance with franchise agreement.* In addition to satisfying such requirements as may be established through the application process and incorporated in its franchise agreement, including, but not limited to, those pertaining to public, educational and governmental access facilities, every franchisee shall comply with the conditions set forth in this section, except as prohibited by federal law.
- (b) *Full service to municipal buildings.* A franchisee shall, on request of the city, install, at no charge, at least one (1) service outlet at all city buildings and all primary and secondary education public and private schools within the franchise area, and shall install and charge only its reasonable costs for any additional service outlets requested for such locations, so long as such additional installations will not interfere with the quality and operation of the franchisee's system or signal thereon, and the quality and manner of installation of such additional outlets shall have been approved by the franchisee

(which approval shall not be unreasonably withheld) and shall comply with all city, state and federal laws and regulations. The franchisee shall provide basic cable service and expanded basic cable service to all outlets in such buildings free of charge. A franchisee may specify other requirements regarding the availability of facilities for municipal use.

- (c) *Cable channels for commercial and noncommercial use by unaffiliated persons.* A franchisee shall designate channel capacity for commercial and noncommercial use by persons unaffiliated with the franchisee as required by federal law, consistent with the principle of fairness and equal accessibility to all persons and the city to the extent they have a legitimate use for such capacity.
- (d) *Technical standards.*
 - (1) Any cable system within the city shall meet or exceed the technical standards set forth in 47 C.F.R. Section 76.601 et seq. and any other applicable federal technical standards, including any such reasonable standards as hereafter may be amended or adopted by the board of aldermen in a manner consistent with federal law.
 - (2) A franchisee shall use equipment generally used in high-quality, reliable, modern systems of similar design, including, but not limited to, backup power supplies at the fiber nodes and headends capable of providing power to the system for a minimum of two (2) hours in the event of an electrical outage, plus adequate portable generators to cover longer outages. The obligation to provide backup power supplies requires the franchisee to install equipment that will cut in automatically on failure of commercial utility AC power, revert automatically to commercial power when it is restored, and prevent the standby power source from powering a "dead" utility line. In addition, the design and construction of a system shall include modulators, antennae, amplifiers, and other electronics that permit and are capable of passing through the signal received at the headend with minimal alteration or deterioration.
- (e) *Interconnection.*
 - (1) A franchisee shall design its system so that it may be interconnected with any or all other systems or similar communications systems in the area. Interconnection of systems may be made by direct cable connection, microwave link, satellite or other appropriate methods.
 - (2) Upon receiving the directive of the board of aldermen to interconnect, the franchisee shall immediately initiate negotiations with the other affected system or systems so that costs may be shared proportionately for both construction and operation of the interconnection link.
 - (3) The board of aldermen may, in writing, grant reasonable extensions of time to interconnect or rescind its request to interconnect upon its own initiative or upon petition by the franchisee to the board of aldermen. The board of aldermen shall rescind the request if it finds that the franchisee has negotiated in good faith and the cost of interconnection would cause an unreasonable increase in subscriber rates.
 - (4) No interconnection shall take place without prior written approval of the board of aldermen. A franchisee seeking approval for interconnection shall demonstrate that all signals to be interconnected will comply with FCC technical standards for all classes of signals and will result in no more than a low level of distortion.
 - (5) The franchisee shall cooperate with any interconnection corporation, regional interconnection authority or state or federal regulatory agency which may be established for the purpose of regulating, facilitating, financing or otherwise providing for the interconnection of communications systems beyond the boundaries of the city.

(f)

Integration of advancements in technology. A franchise agreement may require a franchisee to periodically upgrade its cable system to integrate advancements in technology as may be necessary to meet the needs and interests of the community in light of the costs thereof, and/or to submit periodic reports on cable technology and competition to the city clerk.

- (g) *System design review process.* In addition to any requirements included in a franchise agreement, at least sixty (60) days prior to the date construction of any rebuild is scheduled to commence, the franchisee shall provide the city clerk with notice that a detailed system design and construction plan is available for review by the city at a specific office of the franchisee located in the metropolitan St. Louis area, which shall include at least the following elements:
- (1) Design type, trunk and feeder design, and number and location of hubs or nodes.
 - (2) Distribution system-cable, fiber, and equipment to be used.
 - (3) Plans for standby power.
 - (4) Longest amplifier cascade in system (number of amplifiers, number of miles, type of cable/fiber).
 - (5) Design maps and tree trunk maps for the system.

The system design will be shown on maps of industry standard scale using standard symbols, and shall depict all electronic and physical features of the cable plant. The city may review the plan and, within thirty (30) days of the date the plan is made available for city review, submit comments to the franchisee. Within fifteen (15) days of receipt of the comments, the franchisee shall notify the city clerk that a revised plan is available for review by the city at a specific office located in the metropolitan St. Louis area, either incorporating the comments or explaining why the comments were not included. The city's review does not excuse any nonperformance under a franchise agreement, this article or other applicable law.

- (h) *Emergency alert system.* A franchisee shall comply with 47 U.S.C. Section 544(g) and all regulations issued pursuant thereto.

(Ord. No. 3379, § 6, 9-26-95)

Sec. 7.5-77. - Operation and reporting.

- (a) *Open books and records.*

- (1) Subject to the provisions herein, the city shall have the right to inspect and copy at any time during normal business hours, at an office of the franchisee located in the metropolitan St. Louis area, all books, receipts, maps, plans, financial statements, contracts, service complaint logs, performance test results, records of requests for service, computer records, codes, programs, and disks or other storage media and other like material which are reasonably necessary to monitor compliance with the terms of this article, a franchise agreement, or applicable law, except such records as are privileged or protected from disclosure under applicable law. The franchisee is responsible for collecting the information and producing it at the location specified above, and, by accepting its franchise, it affirms that it can and will do so. The franchisee will make suitable copying equipment available to the city and will bear the cost of such copying, which cost is not a franchise fee and falls within one (1) or more of the exceptions of 47 U.S.C. Section 542(g)(2).
- (2) A franchisee shall maintain sufficient financial records governing its operations in the franchise area to document accurate payment of franchise fees.
- (3) All such information received by the city shall remain confidential insofar as permitted by the Missouri Open Meetings Law and other applicable state and federal law.
- (4)

The franchisee shall maintain a file of records open to public inspection in accordance with applicable FCC rules and regulations.

- (b) *Communication with regulatory agencies.* A franchisee shall file with the city clerk copies of all reports required by and certifications issued by the FCC, including, but not limited to, any proof of performance tests and results, equal employment opportunity reports, and also all petitions, applications, and communications of all types regarding the cable system, or a group of cable systems of which the franchisee's cable system is a part, submitted or received by the franchisee, an affiliate, or any other person on behalf of the franchisee, either to or from the FCC, the securities and exchange commission, or any other federal or state regulatory commission or agency having jurisdiction over any matter affecting operation of the franchisee's system. This material shall be submitted to the city clerk at the time it is filed or within thirty (30) days of the date it is received. Public access to such reports received by the city clerk shall not be denied.
- (c) *Reports.*
- (1) No later than ninety (90) days after the end of its fiscal year, a franchisee shall file a written report with the city clerk, which shall include:
 - a. A summary of the previous year's activities in development of the cable system, including, but not limited to, descriptions of services begun or dropped, the number of subscribers gained or lost for each category of service, the number of pay units sold, the amount collected annually from other users of the system and the character and extent of the services rendered to such users;
 - b. A summary of written and other recorded service calls, identifying both the number and nature of the calls received and an explanation of the causes and dispositions of such calls, including response time;
 - c. An annual financial report from the previous year;
 - d. A report showing the number of outages and service degradations for the prior year, and identifying separately each planned outage, the time it occurred, its duration, and the estimated area and number of subscribers affected; each unplanned outage or service degradation, the time it occurred, its estimated duration and the estimated area and the number of subscribers affected; and the total hours of outages and service degradations as a percentage of total hours of cable system operation;
 - e. An ownership report, indicating all persons who at any time during the preceding year did control or benefit from an interest in the franchise of ten (10) percent or more;
 - f. A list of key employees of the franchisee;
 - g. A summary report on the system's technical tests and measurements;
 - h. Such other information as the board of aldermen may reasonably direct;
 - i. To the extent there has been no change since the preceding annual report, that fact may be noted in lieu of an additional report.
 - (2) Opinion survey report. The franchisee shall submit to the city clerk the results of any opinion survey conducted, within thirty (30) days of completion of the survey.
 - (3) Special reports. franchisees shall deliver the following special reports to the city clerk:
 - a. The franchisee shall submit quarterly construction reports for any construction that may be specified in the franchise. The franchisee must submit updated as-built system design maps within thirty (30) days of the completion of system construction in any geographic area. The

maps shall be developed on the basis of post-construction inspection by the franchisee and construction personnel to assess compliance with system design. Any departures from design must be indicated on the as-built maps, to assist the city in assessing compliance with obligations under the franchise.

- b. Copies of any notice of deficiency, forfeiture, or other document issued by any state or federal agency instituting any investigation or civil or criminal proceeding regarding the cable system, the franchisee, or any affiliate of the franchisee, to the extent the same may affect or bear on operations in the city. This material shall be submitted to the city clerk at the time it is filed or within thirty (30) days of the date it is received.
 - c. Copies of any request for protection under bankruptcy laws, or any judgment related to a declaration of bankruptcy by the franchisee or by any person that owns or controls the franchisee directly or indirectly. This material shall be submitted to the city clerk at the time it is filed or within thirty (30) days of the date it is received.
 - d. Technical tests required by the city as specified in this article and the franchise agreement shall be submitted to the city clerk within thirty (30) days after completion of such tests.
 - e. The franchisee shall keep on file with the city clerk its current schedule of charges.
- (4) General reports. Each franchisee shall prepare and furnish to the city clerk, at the times and in the form prescribed by the board of aldermen, such reports with respect to its operation, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city in connection with this article.
- (d) *Records required.*
- (1) A franchisee shall at all times maintain at an office within the metropolitan St. Louis area:
 - a. Records of all written or recorded complaints received. The term "complaints" as used herein and throughout this article refers to complaints about any aspect of the cable system or franchisee's operations, including, without limitation, complaints about employee courtesy.
 - b. A full and complete set of plans, records, and as-built maps showing the exact location of all system equipment installed or in use in the city, exclusive of subscriber service drops.
 - c. Records of outages, indicating date, duration, area, and the estimated number of subscribers affected, type of outage, and cause.
 - d. Records of service calls for repair and maintenance indicating the date and time of the service call, the date of acknowledgement and date and time service was scheduled (if it was scheduled), and the date and time service was provided, and, if different, the date and time the problem was solved.
 - e. Records of installation/reconnection and requests for service extension, indicating date of request, date of acknowledgment, and the date and time service was extended.
 - f. A public file showing its plan and timetable for any construction regarding the cable system.
 - g. All rules, regulations, terms and conditions adopted for conduct of the franchisee's business.
 - (2) The board of aldermen may require retention of additional information, records, and documents from time to time, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the city in connection with this article.
- (e) *Performance evaluation.*
- (1)

A franchise may require specific performance review sessions. The board of aldermen may, at its discretion, hold additional performance evaluation sessions, but not more frequently than once every three (3) years, except as otherwise agreed to by the franchisee. All such evaluation sessions shall be open to the public, and announced in a newspaper of general circulation. The franchisee shall be notified by mail.

- (2) Topics that may be discussed at any evaluation session may include, but are not limited to, system performance and construction, franchisee compliance with this article and a franchise agreement, customer service and complaint response, subscriber privacy, services provided, programming offered, service rate structures, franchise fees, penalties, free or discounted services, applications of new technologies, judicial and FCC filings, and line extensions.
- (3) During the review and evaluation by the city, a franchisee shall fully cooperate with the city and shall promptly provide such information and documents as the city may need to reasonably perform its review.
- (f) *Voluminous materials.* If any books, records, maps or plans, or other requested documents are too voluminous, or for security reasons cannot be moved, then a franchisee may request that the inspection take place at some other location outside the metropolitan St. Louis area, provided that the franchisee must pay all reasonable travel expenses incurred by the city in inspecting those documents or having those documents inspected by its designee. Any payments made by the franchisee hereunder are not a franchise fee and fall within one (1) or more of the exceptions in 47 U.S.C. Section 542(g)(2).
- (g) *Retention of records; relation to privacy rights.* Each franchisee shall take all steps required, if any, to ensure that it is able to provide the city all information which must be provided or may be reasonably requested under this article or a franchise agreement, including by providing appropriate subscriber privacy notices. Nothing in this section shall be read to require a franchisee to violate 47 U.S.C. Section 551.

(Ord. No. 3379, § 7, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-78. - Consumer protection and customer service.

(a) *Telephone and office availability.*

- (1) Each franchisee shall maintain an office at a convenient location to subscribers, not necessarily within the franchise area, that shall be open during normal business hours to allow subscribers to request service, pay bills, and conduct other business. Each franchisee shall perform service calls, installations, and disconnects at least during normal business hours, provided that a franchisee shall respond to outages twenty-four (24) hours a day, seven (7) days a week. Outage reports should be addressed within twenty-four (24) hours. Each franchisee shall establish a publicly listed local toll-free telephone number. The phone must be answered by customer service representatives at least during normal business hours for the purpose of receiving requests for service, inquiries, and complaints from subscribers; after those hours a franchisee shall arrange for the phone to be answered so that customers can register complaints and report service problems on a twenty-four-hour-per-day, seven-day-per-week basis, and so that the franchisee can respond to service outages as required herein.
- (2) Under normal operating conditions, telephone answering time shall not exceed thirty (30) seconds or four (4) rings, and the time to transfer the call to a customer service representative (including hold time) shall not exceed an additional thirty (30) seconds. Under normal operating conditions, a customer will receive a busy signal less than three (3) percent of the time. These

standards shall be met ninety (90) percent of the time, measured quarterly. When the business office is closed, an answering machine or service capable of receiving and recording service complaints and inquiries shall be employed. The after-hours answering service shall comply with the same telephone answer time standard set forth in this section. Upon request by the city, the franchisee shall supply information demonstrating that it is meeting the standards set forth herein.

- (3) A franchisee must hire sufficient staff so that it can adequately respond to customer inquiries, complaints, and requests for service in its office, over the phone, and at the subscriber's residence.

(b) *Scheduling work.*

- (1) All appointments for service, installation, or disconnection shall be specified by date. Each franchisee shall specify a specific time at which the work shall be done, or offer a choice of time blocks, which shall not exceed four (4) hours in length, unless the subscriber agrees to a longer period of time. The franchisee may also, upon request, offer service installation calls outside normal business hours, for the express convenience of the customer. If, at any time, an installer or technician believes it impossible to make a scheduled appointment time, an attempt to contact the customer will be made prior to the time of appointment and the appointment rescheduled at a time convenient to the customer.
- (2) Subscribers who have experienced two (2) missed appointments due to the fault of a franchisee shall receive installation free of charge, if the appointment was for installation. If an installation was to have been provided free of charge, or for other appointments, the subscriber shall receive a fifty-percent discount on one (1) month of basic cable service tier or its equivalent.
- (3) With regard to mobility-limited customers, upon subscriber request, each franchisee shall arrange for pickup and/or replacement of converters or other franchisee equipment at the subscriber's address or by a satisfactory equivalent (such as the provision of a postage-prepaid mailer).
- (4) Under normal operating conditions, requests for service, repair, and maintenance must be acknowledged by a trained customer service representative within twenty-four (24) hours, or prior to the end of the next business day, whichever is earlier. A franchisee shall respond to all other inquiries (including billing inquiries) within five (5) business days of the inquiry or complaint.
- (5) Under normal operating conditions, installations made within one hundred fifty (150) feet of the existing distribution system shall be completed within seven (7) business days after the order is placed. Repairs and maintenance for service interruptions and other customer location repairs must be completed within twenty-four (24) hours, or if it is not possible to complete such work within twenty-four (24) hours, then work must have commenced within such time period and be diligently continued thereafter until completed. Work on all other requests for service on the franchisee's facilities must be begun by the next business day after notification of the problem, and must be completed within three (3) days from the date of the initial request, except installation requests, provided that a franchisee shall complete the work in the shortest time possible where, for reasons beyond the franchisee's control, the work could not be completed in those time periods even with the exercise of all due diligence; the failure of a franchisee to hire sufficient staff or to properly train its staff shall not justify a franchisee's failure to comply with this provision. Except as federal law permits, no charge shall be made to the subscriber for this service, unless required due to damage caused by a subscriber.

- (6) The franchisee shall not cancel a service or installation appointment with a customer after the close of business on the business day preceding the appointment.
 - (7) The standards of subsections (4) and (5) of this subsection shall be met at least ninety-five (95) percent of the time, measured on a quarterly basis.
- (c) *Notice to subscribers.*
- (1) A franchisee shall provide in writing to each subscriber at the time cable service is installed, and at least annually thereafter, the following information:
 - a. Products and services offered;
 - b. Prices and options for programming services and conditions of subscription to programming and other services;
 - c. Installation and service maintenance policies;
 - d. Instructions on how to use the cable service;
 - e. Channel positions of programming carried on the system;
 - f. Billing and complaint procedures, including the address and telephone number of the local franchise authority's cable office; and
 - g. Refund and credit procedures.
 - (2) Upon request, copies of the materials specified in the preceding subsection shall be provided to the city. The franchisee shall provide all subscribers and the city at least thirty (30) days' notice of any significant changes in the information required to be provided by this section. Such notice shall be in writing and by announcement on the system. The franchisee may provide notice of service and rate changes to subscribers using any reasonable written means at its sole discretion. The franchisee need not provide prior notice of any rate change that is the result of a regulatory fee, franchise fee, or any other fee, tax, assessment, or charge of any kind imposed by any federal agency, state, or franchise authority on the transaction between the franchisee and the subscriber.
 - (3) All franchisee promotional materials, announcements, and advertising of residential cable service to subscribers and the general public, where price information is listed in any manner, shall clearly and accurately disclose price terms. In the case of pay-per-view or pay-per-event programming, all promotional materials must clearly and accurately disclose price terms and, in the case of telephone orders, a franchisee shall take appropriate steps to ensure that the customer service representatives clearly and accurately disclose price terms to potential customers in advance of taking the order.
 - (4) Each franchisee shall maintain a public file containing all notices provided to subscribers under these customer service standards, as well as all written promotional offers made to subscribers.
- (d) *Interruptions of service.* A franchisee may intentionally interrupt service on the cable system only for good cause and for the shortest time possible and, except in emergency situations, only after a minimum of forty-eight (48) hours' prior notice to subscribers and the city of the anticipated service interruption; provided, however, that planned maintenance that occurs between the hours of 12:00 midnight and 6:00 a.m. shall not require such notice to subscribers, so long as notice to the city is given no less than twenty-four (24) hours prior to such an anticipated service interruption.
- (e) *Billing.*
- (1) A franchisee's first billing statement after a new installation or service change shall be prorated as appropriate and shall reflect any security deposit.

- (2) A franchisee's billing statement must be clear, concise and understandable, must itemize each category of service and equipment provided to the subscriber and must state clearly the charge therefor.
 - (3) A franchisee's billing statement must show a specific payment due date not earlier than the fifteenth day of the month (or equivalent period) in which the service being billed is rendered. Any balance not received within fifteen (15) days after the due date may be assessed a reasonable processing charge based on costs and/or a late fee. Late fees shall not exceed seventy-five percent (0.75) per month.
 - (4) A franchisee must notify the subscriber that he or she can remit payment in person at the franchisee's office(s) and inform the subscriber of the address of the office(s).
 - (5) Subscribers shall not be charged a processing fee or late fee or be otherwise penalized for any failure by a franchisee, including failure to timely or correctly bill the subscriber, or failure to properly credit the subscriber for a payment timely made.
 - (6) On request, the account of any subscriber shall be credited a prorated share of the monthly charge for the service if such subscriber is without service or if service is substantially impaired for any reason for a period exceeding four (4) hours during any twenty-four-hour period, except where it can be documented that a subscriber seeks a refund for an outage or impairment which that subscriber caused, or in the case of a planned outage occurring between the hours of 12:00 midnight and 6:00 a.m. of which the city received the required prior notice.
 - (7) The franchisee shall respond to all written billing complaints from subscribers within thirty (30) days.
 - (8) Refund checks to subscribers shall be issued no later than the subscriber's next billing cycle following resolution of the refund request; or the date of return of all equipment to the franchisee, if service has been terminated.
 - (9) Credits for service shall be issued no later than the subscriber's next billing cycle after the determination that the credit is warranted.
- (f) *Disconnection/downgrades.*
- (1) A subscriber may terminate service at any time.
 - (2) A franchisee shall promptly disconnect or downgrade any subscriber who so requests by giving at least one (1) day's notice and reasonably cooperating with the franchisee regarding the removal of the franchisee's equipment from the subscriber's location. No charge may be imposed for any voluntary disconnection, and downgrade charges must comply with the requirements of federal law. No charge may be imposed by any franchisee for any cable service delivered after the requested date of disconnection.
 - (3) A subscriber may be asked, but not required, to disconnect a franchisee's equipment and return it to the nearest business office.
 - (4) Any security deposit and/or other funds due the subscriber shall be refunded on disconnected accounts after the equipment has been recovered by the franchisee. The refund process shall take a maximum of thirty (30) days, from the date disconnection was requested to the date the customer receives the refund.
 - (5) If a subscriber fails to pay a monthly subscriber or other fee or charge, a franchisee may disconnect the subscriber's service outlet; however, such disconnection shall not be effected until after thirty (30) days from the due date. If the subscriber pays all amounts due, including late charges, before the date scheduled for disconnection, the franchisee shall not disconnect service.

After disconnection, upon payment by the subscriber in full of all fees or charges due, including the payment of the reconnection charge, if any, and any reasonable security deposit, the franchisee shall promptly reinstate service on request.

- (6) A franchisee may immediately disconnect a subscriber if the subscriber is damaging or destroying the franchisee's cable system or equipment. After disconnection, the franchisee shall restore service after the subscriber provides adequate assurance that it has ceased the practices that led to disconnection, and paid all proper fees and charges, including any reconnect fees and amounts owed the franchisee for damage to its cable system or equipment and any reasonable security deposit.
- (7) A franchisee may also disconnect a subscriber that causes signal leakage in excess of federal limits. It may do so without notice, provided that the franchisee shall immediately notify the subscriber of the problem and, once the problem is corrected, reconnect the subscriber.
- (8) Except as federal law may otherwise provide, a franchisee may remove its property from a subscriber's premises within sixty (60) days of the termination of service, voluntarily or involuntarily. If a franchisee fails to remove its property in that period, the property shall be deemed abandoned.

(g) *Changes in service.*

- (1) Before a franchisee unilaterally alters the service it provides to a class of subscribers, it must provide the city and each affected subscriber thirty (30) days' written notice by any reasonable means at its sole discretion, explain the substance and full effect of the alteration, and provide the subscriber the right within the thirty-day period following notice to opt to receive any combination of services offered by the franchisee. Except as federal law otherwise provides, subscribers may not be required to pay any charge (other than the regular service fee), including an upgrade or downgrade charge, in order to receive the services selected. No charge may be made for any service or product that the subscriber has not affirmatively indicated it wishes to receive. Payment of the regular monthly bill does not in and of itself constitute such an affirmative indication.
- (2) If a franchisee plans to provide a premium channel without charge to subscribers who do not subscribe to such premium channel, the franchisee shall, not later than thirty (30) days before such premium channel is provided without charge, notify all subscribers in writing by any reasonable means at its sole discretion of its plans, including the time period involved, notify all subscribers they have a right to request that the premium channel be blocked, and block the premium channel upon the request of a subscriber. For purposes of this section, the phrase "premium channel" shall mean any pay service offered on a per channel or per program basis which offers movies rated by the Motion Picture Association of America as X, NC-17, or R.

- (h) *Deposits.* A franchisee may require a reasonable, nondiscriminatory deposit on equipment provided to subscribers. Deposits shall be placed in an interest bearing account, and the franchisee shall return the deposit upon return of the equipment, plus interest earned to the date repayment is made to the subscriber, less any deduction for damages to the equipment or unpaid charges.
- (i) *Subscriber control.* A franchisee shall comply with all applicable laws regarding subscriber ability to block audio and/or video signals.

(Ord. No. 3379, § 8, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-79. - Rate regulation.

The city reserves the right to regulate service and equipment rates to the maximum degree permitted by applicable state and federal law. Each franchisee shall comply with all such regulation provisions that the city may adopt, and all federal laws regarding rates. Failure to comply shall constitute a material violation of a franchise.

(Ord. No. 3379, § 9, 9-26-95)

Sec. 7.5-80. - Franchise fee.

- (a) *Finding.* The city finds that public rights-of-way of the city to be used by a franchisee or any other person for the provision of cable service over a cable system are valuable public property acquired and maintained by the city at great expense to taxpayers. The city further finds that the grant of a franchise to use public rights-of-way is a valuable property right without which a franchisee would be required to invest substantial capital.
- (b) *Payment to city.* As compensation for use of the public rights-of-way, a franchisee and any other person providing cable service over a cable system shall pay the city franchise fees. Every franchise agreement shall specify the amounts a franchisee is initially required to pay as a percentage of gross revenues, but if the specified amount is less than the maximum or if the maximum amount permitted increases, the city may increase it to any amount up to the maximum allowed by law after sixty (60) days' notice to the franchisee, so long as the increase may by law be passed on to subscribers.
- (c) *Rental charge not subject to voter approval; in addition to other fees and taxes.*
 - (1) The franchise fee is not a tax, license or fee subject to any requirement of voter approval, but rather is a rental charge for special and individualized use of public property.
 - (2) The franchise fee is in addition to all other fees and all taxes and payments that a franchisee or other person may be required to pay under any federal, state, or local law, including any applicable property and amusement taxes, except to the extent that such fees, taxes, or assessments are a franchise fee under 47 U.S.C. Section 542.
- (d) *Payments.*
 - (1) The franchise fees and any other costs or penalties assessed by the city against a franchisee or any other person shall be paid quarterly to the city and shall commence as of the effective date of a franchise. The city shall be furnished at the time of each payment with a statement certified by the franchisee's or other person's respective chief financial officer or an independent certified public accountant reflecting the total amount of gross revenues for the payment period. Payments shall be made to the city no later than thirty (30) days following the end of each calendar quarter.
 - (2) In the event any franchise fee or other payment is not made on or before the date specified herein, the franchisee and any other person shall pay interest charges computed from such due date, at an annual rate equal to the commercial prime interest rate of the city's primary depository bank during the period such unpaid amount is owed, plus two (2) percent of the amount due to defray the city's additional expenses by reason of the delinquency.
- (e) *Acceptance not to be construed as accord or satisfaction of claim.* No acceptance of any payment by the city shall be construed as a release or an accord and satisfaction of any claim the city may have for further or additional sums payable as franchise fees under this article or for the performance of any other obligation of a franchisee or other person.
- (f) *Audit.*
 - (1)

The city shall have the right to inspect all reasonably necessary records and the right to audit and to recompute any amounts determined to be payable under this article. The franchisee shall be responsible for providing the records to the city at an office located within the metropolitan St. Louis area. Such records shall be maintained for at least five (5) years. The city's audit expenses shall be borne by the franchisee if the franchise fees paid during the audit period are less than ninety-eight (98) percent of the amount owed according to the audit. Any additional amounts due to the city as a result of the audit shall be paid within thirty (30) days following written notice to the franchisee by the city of the underpayment, which notice shall include a copy of the audit report. If recomputation results in additional revenue to be paid to the city, such amount shall be subject to interest as specified in subsection (d)(2). All costs incurred by a franchisee hereunder are not franchise fees, and fall within one (1) or more of the exceptions set forth in 47 U.S.C. Section 542(g)(2) and shall not be passed on to the subscribers in any form.

- (2) A franchisee shall maintain its fiscal and financial records and have all relevant fiscal and financial records maintained by others on its behalf in such a manner as to enable the city to determine the cost of assets of the franchisee which are used in providing services within the city and to determine gross revenues.
- (3) A franchisee shall report on a quarterly basis to the city clerk the name and address of each and every person providing telecommunications and other communications services over the cable system for which charges are assessed to subscribers but not received by the franchisee, as well as all such services being provided by the franchisee in addition to cable services unless the franchisee already has a separate written franchise or license from the city to provide such other services.

(Ord. No. 3379, § 10, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Sec. 7.5-81. - Insurance; surety; indemnification.

- (a) *Insurance required.* A franchisee shall maintain, and by its acceptance of a franchise specifically agrees that it will maintain, throughout the entire length of the franchise period, at least the following liability insurance coverage insuring the city and the franchisee: Worker's compensation and employer liability insurance to meet all requirements of state law and comprehensive general liability insurance with respect to the construction, operation, and maintenance of the cable system, and the conduct of the franchisee's business in the city, in the minimum amounts of:
 - (1) One million dollars (\$1,000,000.00) for property damage resulting from any one (1) accident;
 - (2) Five million dollars (\$5,000,000.00) for personal bodily injury or death resulting from any one (1) accident; and
 - (3) Two million dollars (\$2,000,000.00) for all other types of liability.

These insurance requirements shall not be construed to limit the liability of a franchisee for damages under any franchise issued hereunder.

- (b) *Qualifications of sureties.* All insurance policies shall be with sureties qualified to do business in the state, with a B+7 or better rating of insurance by Best's Key Rating Guide, Property/Casualty Edition, and in a form approved by the city.
- (c) *Policies available for review.* All insurance policies shall be available for review by the city, and a franchisee shall keep on file with the city certificates of insurance.
- (d)

Additional insureds; prior notice of policy cancellation. All general liability insurance policies shall name the city, its officers, boards, board members, commissions, commissioners, agents, and employees as additional insureds and shall further provide that any cancellation or reduction in coverage shall not be effective unless thirty (30) days' prior written notice thereof has been given to the city clerk. A franchisee shall not cancel any required insurance policy without submission of proof that the franchisee has obtained alternative insurance reasonably satisfactory to the board of aldermen which complies with this article.

- (e) *Failure to comply constitutes material violation.* Failure to comply with the insurance requirements set forth in this section shall constitute a material violation of a franchise.
- (f) *Indemnification.*
 - (1) A franchisee shall, at its sole cost and expense, indemnify, hold harmless, and defend the city, its officials, boards, board members, commissions, commissioners, agents, and employees, against any and all claims, suits, causes of action, proceedings, and judgments for damages or equitable relief arising out of the construction, maintenance, or operation of its cable system; copyright infringements or a failure by the franchisee to secure consents from the owners, authorized distributors, or licensees of programs to be delivered by the cable system; the conduct of the franchisee's business in the city; or in any way arising out of the granting of a franchise or a franchisee's enjoyment or exercise of a franchise granted hereunder, regardless of whether the act or omission complained of is authorized, allowed, or prohibited by this article or a franchise agreement.
 - (2) Specifically, but not by way of limitation on the scope of subsection (1) above, a franchisee shall, at its sole cost and expense, fully indemnify, defend, and hold harmless the city, and in their capacity as such, the officers, agents, and employees thereof, from and against any and all claims, suits, actions, liability, and judgments for damages or otherwise subject to Section 638 of the Cable Act, 47 U.S.C. Section 558, arising out of or alleged to arise out of the installation, construction, operation, or maintenance of its system, including, but not limited to, any claim against the franchisee for invasion of the right of privacy, defamation of any person, or the violation or infringement of any copyright, trade mark, trade name, service mark, or patent, or of any other similar right of any person. This indemnity does not apply to programming carried on any channel set aside for public, educational, or government use, or channels leased pursuant to 47 U.S.C. Section 532, unless the franchisee was in any respect engaged in determining the editorial content of the program, or prescreened the programming for the purported purpose of banning or regulating indecent or obscene programming.
 - (3) The indemnity provision includes, but is not limited to, the city's reasonable attorneys' fees incurred in defending against any such claim, suit, or proceeding prior to the franchisee assuming such defense. The city shall notify a franchisee of claims and suits as soon as practicable, but failure to give such notice shall not relieve a franchisee of its obligations hereunder. Once a franchisee assumes such defense, the city may, at its option, continue to participate in the defense at its own expense.
 - (4) Notwithstanding anything to the contrary contained in this article, the city shall not be so indemnified or reimbursed in relation to any amounts attributable to the city's own negligence, willful misconduct, intentional or criminal acts, including in the performance of its obligations under this article or a franchise agreement.

Sec. 7.5-82. - Performance guarantees and remedies.

(a) *Security fund.*

- (1) Prior to a franchise becoming effective and on each anniversary date thereafter during the franchise term, including the date of termination, the franchisee shall post with the city clerk sufficient funds to serve as a cash security deposit to be used as a security fund to ensure the franchisee's faithful performance of and compliance with all provisions of this article, the franchise agreement, and other applicable law, and compliance with all orders, permits, and directions of the city, and the payment by the franchisee of any claims, liens, fees, or taxes due the city which arise by reason of the construction, operation, or maintenance of the system. The amount of the security fund on deposit shall be equal to three (3) percent of the franchisee's projected annual gross revenues for the upcoming year, or, in the instance of the final deposit, three (3) percent of the actual gross revenues for the preceding year.
- (2) In lieu of a cash security fund, a franchisee may file and maintain with the city clerk an irrevocable letter of credit with a surety acceptable to the city in the amount specified in the preceding subsection to serve the same purposes as set forth therein. Such letter of credit shall remain in effect for the full term of the franchise, plus an additional six (6) months thereafter, or longer if there is any outstanding obligation or default on the part of the franchisee, as determined by the board of aldermen. The franchisee and its surety shall be jointly and severally liable under the terms of the letter of credit for the franchisee's failure to ensure its faithful performance of and compliance with all provisions of this article, the franchise agreement, and other applicable law, and compliance with all orders, permits, and directions of the city, and the payment by the franchisee of any claims, liens, fees, or taxes due the city which arise by reason of the construction, operation, or maintenance of the system. The letter of credit shall provide for thirty (30) days' prior written notice to the city of any intention on the part of the franchisee to cancel, fail to renew, or otherwise materially alter its terms. Neither the filing of a letter of credit with the city, nor the receipt of any damages recovered by the city thereunder, shall be construed to excuse unfaithful performance by the franchisee or limit the liability of the franchisee under the terms of its franchise for damages, either to the full amount of the letter of credit or otherwise.
- (3) The rights reserved to the city with respect to the security fund are in addition to all other rights of the city, whether reserved by this article or authorized by other law or a franchise agreement, and no action, proceeding, or exercise of a right with respect to such security fund or letter of credit will affect any other right the city may have.
- (4) The following procedures shall apply to drawing on the security fund and letter of credit:
 - a. If the franchisee fails to make timely payment to the city of any amount due as a result of a franchise, fails to make timely payment to the city of any amounts due under a franchise agreement or applicable law, fails to make timely payment to the city of any taxes due, or fails to compensate the city within ten (10) days of written notification that such compensation is due for any damages, costs, or expenses the city suffers or incurs by reason of any act or omission of the franchisee in connection with its franchise agreement or the enforcement of its franchise agreement, the city may withdraw the amount thereof, with interest and any penalties, from the security fund or from funds available under the letter of credit.
 - b.

Within three (3) days of a withdrawal from the security fund or under the letter of credit, the city shall mail, by certified mail, return receipt requested, written notification of the amount, date, and purpose of such withdrawal to the franchisee.

- c. If, at the time of a withdrawal from the security fund and under the letter of credit by the city, the amounts available are insufficient to provide the total payment towards which the withdrawal is directed, the balance of such payment shall continue as the obligation of the franchisee to the city until it is paid.
- d. No later than thirty (30) days after mailing of notification to the franchisee by certified mail, return receipt requested, of a withdrawal under the security fund or letter of credit, the franchisee shall deliver to the city for deposit in the security fund an amount equal to the amount so withdrawn or shall restore the letter of credit. Failure to make timely delivery of such amount to the city or to restore the letter of credit shall constitute a material violation of the franchise.
- e. Upon termination of the franchise under conditions other than those stipulating forfeiture of the security fund, the balance then remaining in the security fund shall be withdrawn by the city and paid to the franchisee within six (6) months of such termination, provided that there is then no outstanding obligation or default on the part of the franchisee.

(5) In addition to or in lieu of a security fund or letter of credit, a franchise may require such guarantees as the city deems to be in the public interest.

(b) *Performance bond.*

- (1) Prior to any cable system construction, upgrade, or other such work in the public rights-of-way, a franchisee shall establish in the city's favor a performance bond to ensure the franchisee's faithful performance of the construction, upgrade, or other work. The amount of such performance bond shall be equal to ten (10) percent of the total cost of the work unless otherwise specified in the franchise agreement.
- (2) In the event a franchisee subject to such a performance bond fails to complete the cable system construction, upgrade, or other work in the public rights-of-way in a safe, timely, and competent manner, after notice and a reasonable opportunity to cure, there shall be recoverable, jointly and severally from the principal and surety of the bond, any damages or loss suffered by the city as a result, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the franchisee, or the cost of completing or repairing the system construction, upgrade, or other work in the public rights-of-way, plus a reasonable allowance for attorneys' fees, up to the full amount of the bond. The city may also recover against the bond any amount recoverable against a security fund where such amount exceeds that available under a security fund.
- (3) Upon completion of the system construction, upgrade, or other such work in the public rights-of-way and payment of all construction obligations of the cable system to the satisfaction of the board of aldermen, the board of aldermen shall eliminate the bond after a time appropriate to determine whether the work performed was satisfactory, which time shall be established considering the nature of the work performed.
- (4) The performance bond shall be issued by a surety with a B+7 or better rating of insurance in Best's Key Rating Guide, Property/Casualty Edition; shall be subject to the approval of the city attorney; and shall contain the following endorsement:

"This bond may not be cancelled, or allowed to lapse, until sixty (60) days after receipt by the city, by certified mail, return receipt requested, of a written notice from the issuer of the bond of intent to cancel or not to renew."

- (c) *Failure to maintain constitutes material violation.* Failure to maintain a required security fund, letter of credit, or performance bond shall constitute a material violation of a franchise.
- (d) *Remedies.* In addition to any other remedies available at law or equity, the city may apply any one (1) or a combination of the following remedies in the event a franchisee violates this article, its franchise agreement, other applicable ordinances, or applicable state or federal law:
 - (1) Revoke the franchise or shorten the term pursuant to the procedures specified in this article.
 - (2) Impose penalties available under subsection (h) and other applicable state and local laws for violation of city ordinances.
 - (3) In addition to or instead of any other remedy, seek legal or equitable relief from any court of competent jurisdiction.
 - (4) Apply any remedy provided for in a franchise agreement, including enforcing provisions, if any.
- (e) *Shortening, revocation, or termination of franchise.*
 - (1) The city shall have the right to shorten the term of a franchise to a term not less than thirty-one (31) months from the date of the action shortening the franchise term, or to revoke the franchise, for a franchisee's substantial and ongoing failure to construct, operate, or maintain the cable system as required by this article or a franchise agreement; for defrauding or attempting to defraud the city or subscribers; if the franchisee is declared bankrupt; or for any other substantial and ongoing material violation of this article or substantial and ongoing material violation of a franchise agreement. To invoke the provisions of this section, the board of aldermen shall give the franchisee written notice of such intent. If, within thirty (30) calendar days following such written notice from the city to the franchisee, the franchisee has not completed corrective action or corrective action is not being actively and expeditiously pursued to the satisfaction of the board of aldermen, the board of aldermen may give written notice to the franchisee of its decision to commence a proceeding to consider shortening the term of or revoking the franchise, stating its reasons; provided that no opportunity to cure shall be afforded in the event the franchisee is declared bankrupt. Revocation for bankruptcy shall be governed by subsection (e) (3).
 - (2) Prior to shortening the term of or revoking a franchise, the board of aldermen shall hold a public hearing, after giving at least fifteen (15) calendar days' notice by posting and publication, at which time the franchisee and the public shall be given an opportunity to be heard. Following the public hearing, the board of aldermen may determine whether to shorten the franchise term or to revoke the franchise based on the information presented at the hearing, and other information of record. If the board of aldermen determines to shorten a franchise term or revoke a franchise, it shall make such decision by ordinance setting forth the reasons for its decision. The city may make such decision conditional on a franchisee's failure to resolve outstanding problems or take appropriate steps to resolve such problems within a specific period of time. A copy of such decision shall be provided to the franchisee.
 - (3) Any franchise may, at the option of the board of aldermen following a public hearing, be revoked by ordinance one hundred twenty (120) calendar days after an assignment for the benefit of creditors or the appointment of a receiver or trustee to take over the business of the franchisee,

whether in a receivership, reorganization, bankruptcy, assignment for the benefit of creditors, or other action or proceeding, unless within that one-hundred-twenty-day period:

- a. Such assignment, receivership, or trusteeship has been vacated; or
- b. Such assignee, receiver, or trustee has fully complied with the terms and conditions of this article and the existing franchise agreement and has executed an agreement, approved by a court of competent jurisdiction, assuming and agreeing to be bound by the terms and conditions of this article and the existing franchise agreement.

In the event of foreclosure or other judicial sale of a material portion of the facilities, equipment, or property of a franchisee (other than pursuant to a pledge or mortgage which qualified as an exception to the definition of a "franchise transfer" and after which the franchise transfer was ultimately approved), the board of aldermen may revoke the franchise, following a public hearing before the board of aldermen, by serving notice on the franchisee and the successful bidder, in which event the franchise and all rights and privileges of the franchise will be revoked and will terminate thirty (30) calendar days after serving such notice, unless the board of aldermen has approved the franchise transfer and the successful bidder has covenanted and agreed with the city to assume and be bound by the terms and conditions of the franchise agreement and this article.

- (4) If the board of aldermen revokes a franchise, if a franchise expires, or if for any other reason a franchisee abandons, terminates, or fails to operate or maintain service to its subscribers after notice and reasonable opportunity to cure of at least thirty (30) days, the following procedures and rights are effective:
 - a. The board of aldermen may require the former franchisee to remove its facilities and equipment at the former franchisee's expense. If the former franchisee fails to do so within a reasonable period of time, the board of aldermen may have the removal done at the former franchisee's or surety's expense. In removing its plant, structures, and equipment, the franchisee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as prevailed prior to the franchisee's removal of its equipment and appliances without affecting the electrical or telephone cable wires, or attachments. The city shall inspect and approve the condition of the public ways and public places; and cables, wires, attachments and poles after removal. The liability, indemnity and insurance as provided herein shall continue in full force and effect during the period of removal and until full compliance by the franchisee with the terms and conditions of this paragraph and this article. In the event of a failure by the franchisee to complete any such work or any other work required by city law or ordinance within the time as may be established and to the reasonable satisfaction of the city, the city may cause such work to be done and the franchisee shall reimburse the city the reasonable cost thereof within thirty (30) days after receipt of an itemized list of such costs.
 - b. At the expiration of the term for which any franchise is granted (if renewal is either not sought or denied), the city, at its election, shall have the right to purchase and take over all or any part of a cable system located within the city upon the payment to the franchisee of a sum equal to the fair market value of the system or the part taken (based on system value as a going concern). In the event of revocation, as provided for in this article, the city, at its election, shall have the right to purchase and take over all or any part of a cable system located within the city upon payment to franchisee of a sum equal to an equitable price for

the system or the part taken. If the city elects to purchase only a part of the system, the fair market value shall include both the fair market value of the part purchased together with the diminution in value of the part not purchased. The price for the cable system or the part taken shall not include, and the franchisee shall not receive, anything for the value allocated to the franchise itself unless such valuation is now or subsequently provided for by the Cable Act or in the franchise itself. Upon the exercise of the option by the city and its service of an official notice of such action upon the franchisee, the franchisee shall immediately transfer to the city possession and title to all of the purchased facilities and property, real and personal, of the cable system, with any existing liens and encumbrances (provided the city can require application of purchase price to such liens and encumbrances at closing); and the franchisee shall execute such warranty deeds or other instruments of conveyance to the city as shall be reasonably necessary for this purpose. Each contract entered into by the franchisee with reference to its operations under the franchise shall be subject to the exercise of this option by the city.

- c. If a cable system is abandoned by a franchisee during the franchise term, or if the franchisee fails to operate its system in accordance with this article during any transition period, or the franchisee otherwise terminates the franchise, upon decision of the board of aldermen made after providing the franchisee reasonable notice of at least thirty (30) days and an opportunity to be heard, the ownership of all portions of the cable system in public rights-of-way shall revert to the city and the city may sell, assign, or transfer all or part of the assets of the system, or the board of aldermen, at its option, may operate the system, designate another entity to operate the system temporarily until the franchisee restores service under conditions acceptable to the city or until the franchise is revoked and a new franchisee selected by the city is providing service, seek an injunction requiring the franchisee to continue operations, and/or seek to recover all damages sustained as a result of such abandonment or failure to operate. A franchisee retains all rights to contest such actions and all rights to compensation provided by law. A franchisee shall be deemed to have abandoned its system, or failed to operate its system during any transition period, if:
 - 1. The franchisee fails to provide cable service in accordance with its franchise over a substantial portion of the cable system for ninety-six (96) consecutive hours, unless the board of aldermen authorizes a longer interruption of service in writing; or
 - 2. The franchisee, for any period, willfully and without cause refuses to provide cable service in accordance with its franchise over a substantial portion of the cable system.
- (5) Notwithstanding any other provision of this article, where the city has issued a franchise requiring the completion of construction, system upgrade, or other specific obligation by a specified date, failure of the franchisee to complete such construction or upgrade, or to comply with such other specific obligations as may be required, within such time limits, as same shall be extended by the board of aldermen for good cause shown by the franchisee, will result in the forfeiture of the franchise upon decision of the board of aldermen made after providing the franchisee with reasonable notice of at least thirty (30) days and an opportunity to be heard.
- (f) *Remedies cumulative.* All remedies under this article and the franchise agreement are cumulative unless otherwise expressly stated. The exercise of one (1) remedy shall not foreclose use of another, nor shall the exercise of a remedy or the payment of penalties relieve a franchisee of its obligations to comply with its franchise. Remedies may be used alone or in combination as permitted by law; in addition, the city may exercise any rights it has at law or equity.

- (g) *Relation to insurance and indemnity requirements.* Recovery by the city of any amounts under insurance, a performance bond, a security fund or letter of credit, or otherwise does not limit a franchisee's duty to indemnify the city in any way; nor shall such recovery relieve a franchisee of its obligations under a franchise, limit the amounts owed to the city, or in any respect prevent the city from exercising any other right or remedy it may have.
- (h) *Penalties.* For violation of provisions of this article, subject to judicial procedures, penalties shall be chargeable to the franchisee as follows:
 - (1) For purportedly transferring the franchise without approval, five hundred dollars (\$500.00) per day for each violation for each day the violation continues;
 - (2) For violation of customer service standards, one hundred dollars (\$100.00) per violation for each day the violation continues; and
 - (3) For all other material violations for which actual damages may not be ascertainable, five hundred dollars (\$500.00) per day for each violation for each day the violation continues.

(Ord. No. 3379, § 12, 9-26-95)

Sec. 7.5-83. - Rights of individuals protected.

(a) *Discriminatory practices prohibited.*

- (1) A franchisee shall not deny service, deny access, or otherwise discriminate against subscribers, users, programmers, or residents or businesses in the city on the basis of race, color, religion, national origin, sex, or age.
 - (2) A franchisee shall not unreasonably discriminate among similarly situated persons or take any retaliatory action against a person because of that person's exercise of any right it may have under federal, state, or local law, nor may the franchisee require a person to waive such rights as a condition of providing service.
 - (3) A franchisee shall not deny access to cable service or levy different rates and charges on any group of potential residential cable subscribers because of the income of the residents of the local area in which such group resides.
 - (4) A franchisee is prohibited from unreasonably discriminating in its rates or charges or from granting undue preferences to any subscriber, potential subscriber, or group of subscribers or potential subscribers; provided, however, that a franchisee may offer temporary, bona fide promotional discounts in order to attract or maintain subscribers, so long as such discounts are offered on a nondiscriminatory basis to similar classes of subscribers throughout the city; and a franchisee may offer reasonable discounts for senior citizens or the economically disadvantaged, discounts or customer specific pricing for bulk rate customers, and such other discounts as it is expressly entitled to provide under federal law, if such discounts are applied in a uniform and consistent manner. A franchisee shall comply at all times with all applicable federal, state, and city laws, and all executive and administrative orders relating to nondiscrimination.
- (b) *Equal employment opportunity.* A franchisee shall not refuse to employ, discharge from employment, or discriminate against any person in compensation or in terms, conditions, or privileges of employment because of race, color, religion, national origin, sex, or age. A franchisee shall comply with all federal, state, and local laws and regulations governing equal employment opportunities, as the same may be from time to time amended, including, but not limited to, 47 U.S.C. Section 554.

(c)

Subscriber privacy. A franchisee shall at all times abide by and protect the privacy of all subscribers pursuant to the provisions of Section 631 of the Cable Act, 47 U.S.C. Section 551. A franchisee shall not condition subscriber service on the subscriber's grant of permission to disclose information which, pursuant to federal or state law, cannot be disclosed without the subscriber's explicit consent. (Ord. No. 3379, § 13, 9-26-95)

Sec. 7.5-84. - Miscellaneous provisions.

- (a) *Compliance with laws.* Each franchisee shall comply with all federal and state laws, as well as city ordinances, resolutions, rules and regulations heretofore and hereafter adopted or established during the entire term of its franchise.
- (b) *Captions.* The captions to sections throughout this article are intended solely to facilitate reading and reference to the sections and provisions of this article. Such captions shall not affect the meaning or interpretation of this article.
- (c) *No recourse against city.* Without limiting such immunities as the city or other persons may have under applicable law, including, but not limited to, 47 U.S.C. Section 555a, a franchisee shall have no recourse whatsoever against the city or its officials, members, boards, commissions, agents or employees for any loss, costs, expense, liability, or damage arising out of any action undertaken or not undertaken pursuant to a franchise agreement or any provision or requirement of this article or because of the enforcement of this article or the city's exercise of its authority pursuant to this article, a franchise agreement, or other applicable law, unless such recourse is expressly authorized by statute, this article, or other ordinance.
- (d) *Rights and remedies.*
 - (1) The rights and remedies reserved to the city by this article are cumulative and shall be in addition to, and not in derogation of, any other rights and remedies which the city may have with respect to the subject matter of this article.
 - (2) The city hereby reserves to itself the right to intervene in any suit, action or proceeding involving any provision of this article.
 - (3) Specific mention of the materiality of any of the provisions herein is not intended to be exclusive of any others for the purpose of determining whether any failure of compliance hereunder is material and substantial.
 - (4) No franchisee shall be relieved of its obligation to comply with any of the provisions of this article by reason of any failure of the city to enforce prompt compliance, nor shall any inaction by the city be deemed to waive a provision or render void any provision of this article.
- (e) *Incorporation by reference.* Any franchise granted pursuant to this article shall, by implication, include a provision which shall incorporate by reference this article into such franchise as fully as if copied therein verbatim.
- (f) *Force majeure.* A franchisee shall not be deemed in default of provisions of its franchise where performance was hindered by war or riots, civil disturbances, floods, or other natural catastrophes beyond the franchisee's control, and a franchise shall not be revoked or a franchisee penalized for such noncompliance, provided that the franchisee takes prompt and diligent steps to bring itself back into compliance and to comply as soon as reasonably possible under the circumstances with its franchise without unduly endangering the health, safety, and integrity of the franchisee's employees or property, or the health, safety, and integrity of the public, public rights-of-way, public property, or private property.

- (g) *Public emergency.* In the event of a public emergency or disaster, as determined by the city acting through such officials as may be available given the emergency conditions, a franchisee immediately shall make the cable system, employees, and property, as may be reasonably necessary, available for use by the city or other civil defense or governmental agency designated by the city for the term of such emergency or disaster for emergency purposes. In the event of such use, a franchisee shall waive any claim that such use by the city constitutes a use of eminent domain, provided that the city shall return use of the system, employees, and property to the franchisee promptly after the emergency or disaster has ended.
- (h) *Connections to system; use of antennae.*
- (1) Subscribers shall have the right to attach devices to a franchisee's system to allow them to transmit signals or services for which they have paid to VCRs, receivers, and other terminal equipment. Subscribers also shall have the right to use their own remote control devices and converters, inside wire, and other similar equipment, subject to market availability, and a franchisee shall provide information to subscribers which will allow them to adjust such devices so that they may be used with the franchisee's system.
 - (2) A franchisee shall not, as a condition of providing service, require a subscriber or potential subscriber to remove any existing antenna, or disconnect an antenna, except at the express direction of the subscriber or potential subscriber, or prohibit or discourage a subscriber from installing an antenna switch, provided that such equipment and installations are consistent with applicable codes.
 - (3) Regardless of changes in technology and equipment, channels, facilities, and equipment for public, educational, and governmental use will remain accessible to subscribers and users.
- (i) *Calculation of time.* Unless otherwise indicated, when the performance or doing of any act, duty, matter, or payment is required under this article or any franchise agreement, and a period of time is prescribed and is fixed herein, the time shall be computed so as to exclude the day of the act, event, or default after which the designated period of time begins to run and include the last day of the prescribed or fixed period of time, unless it is a Saturday, Sunday, or legal holiday, in which event the period runs until the next day which is neither a Saturday, Sunday or legal holiday. If the period is less than seven (7) days, intermediate Saturday, Sunday and legal holidays shall be excluded in the computation. This paragraph shall not apply in the context of obligations which continue on a daily basis, such as the obligation to operate a cable system.
- (j) *Severability.* If any term, condition, or provision of this article shall, to any extent, be held to be invalid or unenforceable, the remainder hereof shall be valid in all other respects and continue to be effective. In the event of a subsequent change in applicable law so that the provision which had been held invalid is no longer invalid, such provision shall thereupon return to full force and effect without further action by the city and shall thereafter be binding on the franchisee and the city.
- (k) *Effective date.* This article shall be in full force and effect from and after its passage by the board of aldermen and its approval by the mayor.

(Ord. No. 3379, § 14, 9-26-95; Ord. No. 3420, § 1, 7-23-96)

Chapter 8 - ELECTIONS^[1]

Footnotes:

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Cross reference— *Administration, Ch. 2; tie vote for elective office, § 2-48; special elections to fill vacancies, § 2-51; election to approve police and fire pension plans, § 2-192.*

State Law reference— *Elections in fourth class cities generally, RSMo 79.030 et seq.; suffrage and elections, RSMo Ch. 111 et seq.; election authorities and conduct of elections, RSMo Ch. 115.*

Sec. 8-1. - Wards.

(a) The city is hereby divided into four (4) wards, as follows:

Ward No. 1: Beginning at the intersection of the centerline of Liggett Drive with the southern boundary of Big Bend Road; thence northeastwardly along the southern boundary of Big Bend Road to its intersection with the eastern boundary of the City of Crestwood; thence southeastwardly along the eastern city limits of the City of Crestwood to its intersection with the centerline of Highway 366; thence southwestwardly along the centerline of Highway 366 to its intersection with the centerline of Gravois Creek; thence following the centerline of Gravois Creek southeastwardly and southerly to its intersection with the centerline of Mulberry Creek; thence southwestwardly along said centerline of Mulberry Creek to its intersection with the westernmost property line of Whitecliff Park; thence southeastwardly along the Whitecliff Park property line to the southwest property corner of Whitecliff Park; thence northeastwardly along the Whitecliff Park property line to its intersection with the centerline of Vauk Lane; thence eastwardly along the centerline of Vauk Lane to its intersection with the centerline of Clydesdale Drive; thence southwardly along the centerline of Clydesdale Drive to the intersection with the centerline of Lawndale Drive; thence westwardly along the centerline of Lawndale Drive to its intersection with the centerline of Cherry Brook Lane; thence northwestwardly along the centerline of Cherry Brook Lane to the intersection of the prolongation of its centerline with Mulberry Creek; then southwestwardly along said centerline of Mulberry Creek to its intersection with the centerline of Old Sappington Road; thence southwestwardly along the centerline of Old Sappington Road to the intersection of New Sappington Road; thence northwestwardly along the centerline of New Sappington Road to its intersection with the prolongation of the southern property line of the Greenview Terrace Subdivision; thence along the perimeter of the Greenview Terrace Subdivision, northeastwardly then northwestwardly, to its intersection with the southeast corner of the Crestwood Elementary School; thence northwestwardly along the eastern property line of the Crestwood Elementary School to the intersection with the southern limit of the Grant's Trail right-of-way; thence northwestwardly across the right-of-way of the Grant's Trail to the intersection of the northern right-of-way line of the Grant's Trail and the boundary line between lot 25, block 1 of Elmont Park First Addition, Amended, and lot 1, block 6 of Crestwood Second Addition; thence northeastwardly along the boundary line between said lots and its northeastwardly prolongation to its intersection with the centerline of Woodbine Drive; thence northeastwardly along the centerline of Woodbine Drive to its intersection with the centerline of Trelane Avenue; thence northeastwardly and northwestwardly along the centerline of Trelane Avenue to the centerline of Briarton Drive; thence northeastwardly along the centerline of Briarton Drive to the intersection of Liggett Drive; thence northwestwardly along the centerline of Liggett Drive to the point of beginning.

Ward No. 2: Beginning at the intersection of the centerline of East Watson Road and the western boundary of the City of Crestwood; thence northwardly along the western city limits of the City of Crestwood to its intersection with the southern right-of-way line of Big Bend Road; thence eastwardly and northeastwardly along the southern right-of-way line of Big Bend Road to its intersection with the centerline of Liggett Drive; thence southeastwardly along the centerline of Liggett Drive to its intersection with the centerline of Briarton Drive; thence southwestwardly along the centerline of Briarton Drive to its intersection with Trelane Avenue; thence southeastwardly and southwestwardly along the centerline of Trelane Avenue to its intersection with Woodbine Drive; thence southwestwardly along the centerline of Woodbine Drive to its intersection with the northeastwardly prolongation of the boundary line between lot 25, block 1 of Elmont Park, First Addition, Amended and lot 1, block 6 of Crestwood Second Addition; thence southwestwardly along said prolongation and the boundary line between said lots to its intersection with the northerly line of the Grant's Trail right-of-way; thence in a straight line across the Grant's Trail right-of-way to the most northeastern corner of the property of Crestwood Elementary School; thence following the most eastern boundary of Crestwood Elementary School property to its intersection with the Greenview Terrace Subdivision; thence southeastwardly and southwestwardly around the eastern and southern perimeter of the Greenview Terrace Subdivision to the intersection of the prolongation of its southern property line with the centerline of South Sappington Road; thence southeastwardly along the centerline of South Sappington Road to its intersection with the centerline of Highway 366; thence southwestwardly along the centerline of East Watson Road to the intersection of the centerline of Rusdon Drive; thence southwardly along the centerline of Rusdon Drive to the intersection of the centerline of Barberton Drive; thence westwardly along the centerline of Barberton Drive to the intersection of the centerline of Manda Lane; thence northwardly along the centerline of Manda Lane to the centerline of East Watson Road; thence westwardly along the centerline of East Watson Road to the point of beginning.

Ward No. 3: Beginning at the intersection of the centerline of Highway 366 with the eastern boundary of the City of Crestwood; thence southeastwardly, southwestwardly, northwestwardly, southerly, southeastwardly, southwestwardly, southeastwardly, and southwestwardly around the eastern City limits to the intersection of the City limits with the Grant's Trail right-of-way; thence northwestwardly along the northeastern edge of the Grant's Trail right-of-way to its intersection with the southeastern boundary of Pardee Road; thence southwestwardly along the southeastern boundary of Pardee Road to its intersection with the northern boundary of Eddie & Park Road; thence westerly along the northern boundary of Eddie & Park Road to its intersection with the centerline of Vicary Drive; thence northwardly along the centerline of Vicary Drive to the intersection of the centerline of Trillium Drive; thence northwestwardly along the centerline of Trillium Drive to the intersection of Garber Road; thence eastwardly along the centerline of Garber Road to its intersection with the centerline of Buxton Drive; thence northwestwardly along the centerline of Buxton Drive to its intersection with the centerline of Lawndale Drive; thence eastwardly along the centerline of Lawndale Drive to its intersection with the centerline of Clydesdale Drive; thence northeasterly along the centerline of Clydesdale Drive to the intersection of the centerline of Vauk Drive; thence westwardly along the centerline of Vauk Drive to the intersection with the Whitecliff Park property line; thence southwestwardly and

northwestwardly along the Whitecliff Park property line to the intersection of the Whitecliff Park property line and the centerline of Mulberry Creek; thence northeastwardly along the centerline of Mulberry Creek to its intersection with the centerline of Gravois Creek; thence northeastwardly and northwestwardly along the centerline of Gravois Creek to its intersection with the centerline of Highway 366; thence northeastwardly along the centerline of Highway 366 to the point of beginning.

Ward No. 4: Beginning at the intersection of the western boundary of the City of Crestwood with the centerline of East Watson Road; thence easterly and northeastwardly along the centerline of East Watson Road to the centerline of Manda Lane; thence southwardly along the centerline of Manda Lane to its intersection with Barberton Drive; thence eastwardly along the centerline of Barberton Drive to the intersection of the centerline of Rusdon Lane; thence northwestwardly along the centerline of Rusdon Lane to its intersection with the centerline of East Watson Road; thence northeastwardly along the centerline of East Watson Road to its intersection with the centerline of New Sappington Road and Watson Road; thence southeastwardly along the centerline of New Sappington Road to its intersection with the centerline of Old Sappington Road; thence northeastwardly along the centerline of Old Sappington Road to its intersection with Mulberry Creek; thence northeastwardly along the centerline of Mulberry Creek to its intersection with the prolongation of the centerline of Cherry Brook Lane; thence southwestwardly along the centerline of Cherry Brook Lane to the centerline of the intersection of Lawndale Drive; thence easterly along the centerline of Lawndale Drive to its intersection with the centerline of Buxton Drive; thence southerly along the centerline of Buxton Drive to the centerline of Garber Road, thence westwardly along the centerline of Garber Road to the centerline of Trillium Drive; thence southeastwardly along the centerline of Trillium Drive to the intersection of the centerline of Vicary Drive; thence southwardly along the centerline of Vicary Drive to the intersection of the southern boundary of the City of Crestwood; thence westwardly along the northern boundary of the Eddie & Park Road right-of-way to the intersection of the western boundary of the City of Crestwood; thence northwardly along the western boundary of the City of Crestwood to the point of beginning.

- (b) The map filed with the board of aldermen by the redistricting committee shall be retained as part of the permanent records of the city and such map shall be endorsed with the notation that it sets forth the ward boundaries as established by this section.
- (c) The board of aldermen hereby declares that in the event of any doubt as to the descriptions of the ward boundaries as herein set forth, the boundaries shown on such map shall be used to determine such descriptions.

(Code 1965, § 2.01; Ord. No. 1849, § 1, 12-8-81; Ord. No. 3482, § 1, 11-11-97; Ord. No. 4336, § 2(Exh. A), 1-24-12)

State Law reference— City divided into wards, RSMo 79.060.

Sec. 8-2. - Duties of clerk.

The city clerk/collector is hereby directed to comply with all of the provisions of Chapter 113, RSMo and with all regulations of the county board of election commissioners adopted pursuant thereto.

(Ord. No. 611, § 11, 9-20-60; Ord. No. 807, § 3, 1-28-64; Code 1965, § 2.020)

Sec. 8-3. - City elections.

- (a) *General municipal elections.* The general municipal election shall be held annually, on the date provided by state law.
 - (b) *Special elections.* The board of aldermen may, by resolution, order special elections, fix the time for such elections and provide for holding such elections on any of the dates provided for elections by state law.
 - (c) *Conduct of election.* All city elections shall be nonpartisan and governed by the provisions of the Crestwood Charter and applicable state law. The board of aldermen may further regulate elections by ordinance, subject to the provisions of the Crestwood Charter and applicable state law.
- (Ord. No. 4, § I, 5-5-49; Code 1965, § 2.05; Ord. No. 3424, § 1, 8-27-96)

Sec. 8-4. - Reserved.

Editor's note— Section 1 of Ord. No. 3424, adopted Aug. 27, 1996, repealed § 8-4 in its entirety. Formerly, § 8-4 pertained to special elections and derived from Ord. No. 4, § II, adopted May 5, 1949; and § 2.06 of the 1965 Code. For similar provisions, see § 8-3.

Sec. 8-5. - Candidates for office.

- (a) Any person desiring to become a candidate for any elective office in the city shall file a notice of candidacy, supporting petition, a copy of the affidavit filed with the Missouri Department of Revenue related to tax payments and bonding requirements, and pay a filing fee, as herein set forth.
- (b) The opening date for filing for candidacy shall be 8:00 a.m. on the fifteenth Tuesday prior to the election and the closing date for such filing shall be 5:00 p.m. on the eleventh Tuesday prior to the election.
- (c) The form of notice of candidacy shall be obtained from the city clerk. Such notice shall be filled out in its entirety and be signed by the candidate at the time of filing same in the presence of the city clerk. If a prospective candidate is unable, by reason of illness, to appear before the city clerk, such candidate may submit a written request for the notice form and may complete same and return it to the city clerk.
- (d) At the time of filing the notice of candidacy, each candidate shall file a petition containing the signatures and addresses of at least twenty (20) registered and qualified voters of the city requesting that the candidate's name be placed on the ballot for the office requested. Candidates must also file, at the time of filing the notice of candidacy, a copy of his or her Candidate's Affidavit of Tax Payments and Bonding Requirements filed with the Missouri Department of Revenue pursuant to section 115.342, RSMo.
- (e) A filing fee of five dollars (\$5.00) shall be paid to the city clerk at the time of the filing of the notice of candidacy and petition. Such filing fee shall be deposited to the credit of the city's general revenue fund.
- (f) At least fifteen (15) days before the opening date for filing a notice of candidacy, the city clerk shall cause to be published in at least one (1) newspaper of general circulation within the city and shall post such notice in the city hall, stating:
 - (1) The office or offices to be filled.
 - (2) The opening filing date and the closing filing date for the filing of notices of candidacy, supporting petitions, copies of affidavits, and paying the filing fee.
 - (3) The place for filing the notice of candidacy, petition, copy of affidavit and paying the filing fee.
 - (4) Copies of the notice of candidacy may be obtained from the city clerk.

(Code 1965, § 2.07; Ord. No. 1149, § 1, 10-14-69; Ord. No. 1758, § 1, 10-9-79; Ord. No. 1803, § 1, 11-11-80; Ord. No. 1982, § 1, 11-27-84; Ord. No. 3089, § 1, 10-25-88; Ord. No. 3125, § 1, 9-12-89; Ord. No. 3424, § 2, 8-27-96; Ord. No. 4504, § 1, 11-25-14)

State Law reference— Filing declaration of candidacy, RSMo 115.349.

Sec. 8-6. - Notice of elections.

- (a) *Posting.* The city clerk/collector shall cause a notice of all elections to be given by at least twenty (20) printed or typewritten handbills or notices, which the chief of police shall cause to be posted in as many public places in the city at least fifteen (15) days prior to the date of said election. Such notice shall merely give the purposes of the election, the offices to be filled and the propositions to be voted upon, with the hours that the polls are to be open and the polling places. The notice shall be headed "Notice of City Election" or "Notice of Special Election," as the case may be. If the laws of the state require additional or other notice in any matters submitted to the voters of the city, the city clerk/collector shall give such additional or other notice as may be required by law.
- (b) *Publication.* In addition to the notices to be posted, publication shall be made by the St. Louis County Board of Election Commissioners as required by state statute.

(Ord. No. 611, § 2, 9-20-60; Ord. No. 807, § 3, 1-28-64; Code 1965, § 2.10)

State Law reference— Notice of election, RSMo 115.125 et seq.

Sec. 8-7. - General procedure.

All elections in the city shall be conducted in accordance with rules and regulations promulgated and passed by the St. Louis County Board of Election Commissioners.

(Ord. No. 611, § 1, 9-20-60; Code 1965, § 2.08)

State Law reference— Polling places, RSMo 115.115; election judges, RSMo 115.079 et seq.; holding elections, notice, RSMo 115.121 et seq.; voting hours, RSMo 115.407.

Sec. 8-8. - Ballots.

- (a) *Form.* The form of the ballot at all city elections shall conform to all applicable regulations of the St. Louis County Board of Election Commissioners.
- (b) *Position of names.* The city clerk/collector shall list the candidates for each office on the ballot in the chronological order in which they completed all of their requirements for having their names printed on the ballot.

(Ord. No. 611, § 6, 9-20-60; Ord. No. 726, § 1, 5-1-62; Ord. No. 807, § 3, 1-28-64; Code 1965, § 2.14)

State Law reference— Providing ballots, RSMo 115.247; form of ballots, RSMo 115.237 et seq.

Chapter 9 - FIRE PREVENTION AND PROTECTION^[1]

Footnotes:

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Cross reference— Administration, Ch. 2; air pollution, Ch. 3; alarm systems, Ch. 4; buildings and building regulations, Ch. 7; health, Ch. 12; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; parks and recreation, Ch. 17; solid waste, Ch. 23; police and fire pensions, § 2-191 et seq.; building code committee, § 7-4; demolition of buildings, § 7-14; fire hose specifications, § 7-17; fire protection in trailer camps, § 13-63; gasoline filling stations, § 13-81 et seq.; emergency vehicles, § 14-13; fires in parks, § 17-13; prohibited acts regarding solid waste, § 23-10.

State Law reference— Fire prevention in fourth class cities, RSMo 79.450; fire protection, RSMo 71.370 et seq., Ch. 320; issuance of bonds for fire department, RSMo 95.405.

Annotation—A fire chief not residing in the city has no right to the office; his removal from office need not comply with ordinance procedures for the removal of appointive officers, Helbig v. Murray, 558 SW2d (1977).

ARTICLE I. - IN GENERAL

Secs. 9-1—9-15. - Reserved.

ARTICLE II. - FIRE DEPARTMENT

Sec. 9-16. - Fire board.

- (a) *Created.* There is hereby created in the city a fire board to consist of one (1) aldermanic representative to be appointed by the mayor from the members of the board of aldermen; in addition, five (5) citizens with an interest in the fire department, one (1) from each ward and one (1) citizen at large, each of whom shall be appointed by the mayor with majority approval of the board of aldermen. The citizen designated as the member at large, shall act as chairperson of the fire board. The term of office for citizen members shall be two (2) years unless removed sooner by the mayor, with the approval of a majority of the board of aldermen, or until a replacement is appointed.
- (b) *Aldermanic representative.* The aldermanic representative shall be present at all scheduled meetings of the fire board and shall act as liaison between the board of aldermen and the fire board. Participation in all discussions is encouraged, but the aldermanic representative shall not have a vote. The mayor may act as substitute or designate a substitute from the board of aldermen or city administration if the aldermanic representative is unable to attend a meeting.
- (c) *Chairman.* The chairman shall be the presiding officer of all meetings of the fire board and shall have a voice and vote the same as all other fire board members. At the beginning of each term, said term to run concurrently with that of the mayor, the fire board shall organize by electing a vice-chairman and a secretary from its number. In the absence of the chairman and vice-chairman, the secretary shall serve as acting chairman.
- (d) *Secretary.* The fire board through the secretary, if present, and if not, through one (1) of the other commissioners, shall submit a copy of the minutes of its meetings, including a summary of its proceedings and activities and such recommendations as may be required, to the mayor and board of aldermen members.
- (e) *Fire chief.* The fire chief shall be an ex officio member of the fire board, acting in an advisory relationship and shall attend all meetings of the fire board. If the fire chief is unable to attend any such meeting, he shall designate a substitute. The fire chief shall, when requested by the fire board, furnish reports on the performance of the fire department, at reasonable times, and investigate all activities of the fire department.
- (f) *Meetings.* The fire board shall meet quarterly and shall keep minutes of its proceedings. A quorum of the fire board shall consist of the aldermanic representative, or in his absence, the mayor or the mayor's designee and three (3) of the citizen members. A special meeting may be called by the chairman, the aldermanic representative or three (3) members of the board upon three (3) days' written notice.
- (g) *Attendance.* Fire board members absent from three (3) consecutive meetings, whether regular or special, shall be subject to replacement by the mayor and board of aldermen by a majority vote.
- (h)

Duties. The fire board shall act in a general advisory capacity to the fire department. It shall make recommendations to the board of aldermen for improving fire protection within the city, suggest rules and regulations governing the conduct of the members of the fire department, subject to approval by the board of aldermen, and do and perform such other services for the safety and protection of the lives of the inhabitants and property of the city as may be directed by the board of aldermen from time to time.

- (i) *Reimbursement.* The members of the fire board shall receive such reimbursement for expenses as may be provided by the board of aldermen.
- (j) *Vacancies.* Vacancies from the fire board shall be reported to the mayor and shall be filled in like manner as the original appointment with each replacement appointed from the same ward as the citizen being replaced to serve the unexpired term.

(Code 1965, § 7.01; Ord. No. 926, § 1, 4-26-66; Ord. No. 1409, § 1, 12-19-72; Ord. No. 1733, § 1, 4-24-79; Ord. No. 3987, § 1, 7-25-05)

Cross reference— Administration, Ch. 2.

Sec. 9-17. - Department created.

There is hereby created and established a fire department.

(Ord. No. 155, 1-12-54; Code 1965, § 7.02)

Sec. 9-18. - Fire chief.

The executive officer of the fire department shall be the fire chief, to be appointed as provided in section 2-53(i)(1). The chief shall make or cause to be made all fire inspections of new buildings, be in charge of all operations of the department and shall be responsible for the training of personnel thereof. He shall perform such other duties as may be directed.

(Code 1965, § 7.03; Ord. No. 1345, § 1, 5-9-72; Ord. No. 1515, § 1, 7-9-74)

Sec. 9-19. - Fire marshal.

A fire marshal shall be appointed as provided in section 2-53(i)(2). The fire marshal shall study and enforce methods and rules for fire prevention, shall inspect all premises and existing buildings for the purpose of eliminating fire hazards and shall perform such other duties as may be directed by the fire board.

(Ord. No. 155, 1-12-54; Code 1965, § 7.05)

Sec. 9-20. - Damaging property.

- (a) No person shall break, destroy, damage, injure, interfere with or deface any property, equipment, buildings or apparatus of the fire department or that of any fire department or fire district in the city pursuant to a contract with the city.
- (b) No person shall detain, interfere with, interrupt or restrain any personnel of any fire department while engaged in the lawful performance of his duties at any time.

(Ord. No. 284, § 1, 3-20-56; Code 1965, § 7.07)

State Law reference— Fire protection districts, RSMo Ch. 321.

Sec. 9-21. - Emergency medical service incident reports.

- (a) *Closed records.* All emergency medical service reports prepared by members of the fire department relating to identifiable persons shall be closed records and inaccessible to the general public, except that the following persons may obtain same:
- (1) The person or persons identified in the report.
 - (2) A person presenting a notarized patient information release signed by each individual, or the legal guardian or holder of a power of attorney of each individual, who is the subject of the requested report. If the person or persons identified in the report are under the age of seventeen (17) years, the release must be signed by the parent or legal guardian, or juvenile court personnel.
 - (3) A person presenting an authorized court order directing production of a report.
 - (4) Personnel of a law enforcement agency.
- (b) *Maintained separately from other records available to public.* All emergency medical service incident reports shall be kept separately from other records which are available to the public.
- (Ord. No. 3116, §§ 1, 2, 6-27-89)

Editor's note— Ordinance No. 3116, adopted June 27, 1989, did not specifically amend this Code; hence, inclusion of §§ 1 and 2 as § 9-21 was at the discretion of the editor.

Sec. 9-22. - Authority at fires and other emergencies.

The chief of the city fire department or his duly authorized representatives, ("fire prevention code official") as may be in charge at the scene of a fire or other emergency is [are] empowered to direct such operations as may be necessary in the reasonable performance of [his] their duty. The fire chief may prohibit any person, vehicle or object from approaching the scene and may remove, or cause to be removed, from the scene any person, vehicle, or object which may impede or interfere with the operations of the fire department. Any person ordered to leave an area shall do so immediately and shall not reenter such area until authorized to do so by the fire chief.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-23. - Interference with fire department operations.

It shall be unlawful to interfere with, attempt to interfere with, obstruct or restrict the mobility of, or block the path of travel of any fire department emergency vehicle in any way, or to interfere with, attempt to interfere with, or obstruct or hamper any fire department operation.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-24. - Compliance with orders.

A person shall not willfully fail or refuse to comply with any order or direction of the fire chief or to interfere with the compliance attempts of another individual.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-25. - Vehicles crossing fire hose.

A vehicle shall not be driven or propelled over any unprotected fire hose of the fire department when laid down on any street, drive, or any vehicular roadway without the consent of the fire chief.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-26. - Authorized emergency vehicles; regulations.

- (a) Authorized emergency vehicles shall include those vehicles as defined in Section 300.010(3), RSMo., as same may be amended from time to time. The driver of an emergency vehicle shall not sound the siren thereon or have the front red lights on or disobey any existing traffic regulations, except when said vehicle is responding to an emergency call or when responding to, but not upon returning from, a fire. The driver of an emergency vehicle may:
- (1) Park or stand irrespective of the provisions of existing traffic regulations;
 - (2) Proceed past a red or stop signal or other sign, but only after slowing down as may be necessary for safe operation;
 - (3) Exceed the speed limit so long as the action does not endanger life or property;
 - (4) Disregard regulations governing directions of movement or turning in specified directions.
- (b) The foregoing exemptions shall apply only when the driver of an emergency vehicle, while in motion, sounds an audible signal by bell, siren or exhaust whistle as may be reasonably necessary, and the vehicle is equipped with at least one (1) lighted lamp displaying a red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-27. - Operations of vehicles on approach of authorized emergency vehicles.

Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every other vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, unless otherwise directed by the fire chief or a police officer.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-28. - Vehicles following fire apparatus.

It shall be unlawful for the operator of any vehicle, other than one on official business, to follow closer than three hundred (300) feet from any fire apparatus traveling in response to a fire alarm, or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to a fire alarm.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-29. - Unlawful boarding or tampering with fire department emergency equipment.

A person shall not, without prior authorization from the fire chief in charge of fire department emergency equipment, cling to, attach himself to, climb upon or into, board or swing upon any fire department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper switches, starting devices, brakes, pumps or any equipment or protective clothing on, or a part of, any fire department emergency vehicle.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-30. - Damage or injury to equipment or personnel.

It shall be unlawful for any person to damage or deface, or attempt to damage or deface, any fire department vehicle at any time or to injure, or attempt to injure, fire department personnel while performing departmental duties.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-31. - Blocking fire hydrants and fire department connections.

It shall be unlawful to obscure from view, damage, deface, obstruct, paint or repaint any fire hydrant, or restrict the access to any fire hydrant or any fire department connection for the pressurization of fire suppression systems, including fire hydrant and fire department connections that are located on public or private streets and access lanes, or on private property. It shall be unlawful to plant any trees, shrub, bush, hedge or other plant or vegetation, except grass, within six (6) feet of any fire hydrant, and none shall be planted between the street, alley or other public way and a fire hydrant. It shall be unlawful to plant any shrubs, bushes, hedges, trees or other plants or vegetation, except grass, in close proximity to a fire hydrant in such a manner as to interfere with a clear view of the hydrant by fire vehicles approaching on any public street or way. The fire chief is hereby authorized to remove, trim or cut back any such plant growth, after posting a notice within ten (10) feet from such hydrant at least three (3) days before such removal or cutting, stating his intention to do so. Cost incurred in the performance of necessary work shall be paid from the municipal treasury on certificate of the fire official and with the approval of the chief administrative official; and the legal authority of the municipality shall institute appropriate action for the recovery of such cost.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-32. - Hydrant use approval.

A person shall not use or operate any fire hydrant intended for use of the fire department for fire suppression purposes unless such person first secures the approval for such use from the fire chief and the water company having jurisdiction.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-33. - Street obstructions.

No person shall erect, place or maintain any bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the city. As used herein, the term "street" shall include, but not be limited to, all public streets and private streets or access lanes within the boundaries of the city.

(Ord. No. 3204, § 1, 11-26-91)

Sec. 9-34. - Posting of street address numbers; notice of violation.

- (a) The owner, occupant or agent of a residential or commercial building, whether new or existing, shall be required to place in a conspicuous location, visible from the street, the numerical or letter address of such building in accordance with the following regulations:
- (1) Every building located fifty (50) feet or less from the edge of the street shall have Arabic numbers not less than three (3) inches high displayed on the side of the building facing the street to which the address is assigned.
 - (2) Every building located more than fifty (50) feet, but not more than seventy (70) feet, from the edge of the street shall display Arabic numbers, in accordance with either of the following subsections a. or b.:
 - a. Numbers not less than four (4) inches high on the side of the building facing the street to which the address is assigned;

- b. Numbers not less than three (3) inches high displayed on the side of the building facing the street to which the address is assigned, and numbers not less than three (3) inches high displayed on a post, or on a regulation United States Postal Service mailbox, or on a sign, which post, mailbox or sign shall be located directly in front of the building on the same side of the street and not more than ten (10) feet from the edge of the street.
- (3) Every building located more than seventy (70) feet, but not more than ninety (90) feet, from the edge of the street shall display Arabic numbers, in accordance with either of the following subsections a. or b.:
 - a. Numbers not less than five (5) inches high on the side of the building facing the street to which the address is assigned;
 - b. Numbers not less than three (3) inches high displayed on the side of the building facing the street to which the address is assigned, and numbers not less than three (3) inches high displayed on a post, or on a regulation United States Postal Service mailbox, or on a sign, which post, mailbox or sign shall be located directly in front of the building on the same side of the street and not more than ten (10) feet from the edge of the street.
- (4) Every building located more than ninety (90) feet from the edge of the street shall display Arabic numbers not less than three (3) inches high on the side of the building facing the street to which the address is assigned and Arabic numbers not less than three (3) inches high displayed on a post, or on a regulation United States Postage Service mailbox, or on a sign, which post, mailbox, or sign shall be located directly in front of the building on the same side of the street and not more than ten (10) feet from the edge of the street.
- (5) Every multifamily residential apartment complex shall have its assigned number displayed in accordance with subsection (4) above. In addition, each individual building in such a complex shall have Arabic numbers displayed on the side of the building in such a manner as to be clearly visible and readable from the street or from the driveway of the complex. In addition, each individual apartment shall have Arabic numbers or letters not less than three (3) inches high displayed on or near the front entrance to the apartment.
- (6) The color of the Arabic numbers shall be in contrast to the immediate background to which they are affixed or inscribed. The numbers shall be displayed so as to be readily visible and readable during normal daylight hours.
- (7) These regulations shall be construed to mean that if the Arabic numbers as specified herein are hidden by an awning, overhang, post, tree, bush, or other obstruction, then the owner, occupant, or agent of the building shall place supplementary Arabic numbers in the manner determined by the enforcing official to best meet the intent of this section.
- (8) Building numbers may be spelled out for decorative purposes; however, Arabic numbers meeting the intent of this section shall also be required.
- (9) All applicants for building permits for new construction shall be given a copy of this section. A building shall be numbered in accordance with the provisions of this section before any certificate of occupancy is granted by the city.
- (10) The director of the bureau of fire prevention is hereby designated as the enforcing official of this section.
- (11) The owner, occupant or agent of an existing residential or commercial building whose street address does not conform with the requirements hereof shall bring such street address posting into compliance with these requirements not later than July 15, 1995.

- (b) Should any premises be in violation of this section, the enforcing official shall give the owner, occupant or agent written notice of violation which shall specify the period of time, which shall be at least fifteen (15) days, for correction of the violation. Any person failing to cure such violation within the specified period shall be deemed in violation of the requirements hereof, and shall be subject to the penalties provided for violation of city ordinance.

(Ord. No. 3340, § 1, 3-14-95; Ord. No. 3347, § 1, 5-9-95)

Editor's note— Ord. No. 3340, § 1, adopted Mar. 14, 1995, amended the Code by adding § 9-35. For purposes of classification, such new provisions were included as § 9-34(b) at the discretion of the editor.

Cross reference— Buildings and building regulations, Ch. 7.

Sec. 9-35. - Reserved.

ARTICLE III. - FIRE PREVENTION^[2]

Footnotes:

— (2) —

Editor's note—Ord. No. 3976, § 1, adopted Apr. 11, 2006, repealed the former Art. III, §§ 9-36, 9-37, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter. Formerly, § 1 of Ord. No. 3207, adopted Feb. 11, 1992, amended Art. III to read as set out herein. Prior to such amendment, Art. III consisted of §§ 9-36—8-42, which pertained to fire prevention and derived from Ord. No. 19, §§ 1, 2, adopted Oct. 25, 1949; §§ 23.01—23.06, 53.07 of the 1965 Code; Ord. No. 1655, adopted May 10, 1977; and Ord. No. 1989, §§ 1, 5, adopted Feb. 12, 1985.

Sec. 9-36. - Code adopted.

The ICC International Fire Code, 2003 edition, including Appendices A, B, C, D, E, F, and G, as published by the International Code Council, Inc., as amended herein, is hereby adopted as the fire prevention code of the city.

(Ord. No. 3207, § 1, 2-11-92; Ord. No. 3976, § 1, 4-11-06)

Sec. 9-37. - Amendments and additions to fire prevention code.

The fire prevention code is hereby amended with the following additions, substitutions, deletions and insertions:

- (1) *101.1 Title:* These regulations shall be known as the Fire Prevention Code of the City of Crestwood, Missouri ("Code").
 - (2) *104.1 General:* The Fire Marshal of the City of Crestwood, or his authorized representative, under the direction of the Fire Chief of the City, is designated as the Fire Code Official and shall enforce the provision of this Code.
 - (3) *105.1 General:* Unless otherwise provided by City Ordinance, regulation, or this Code, permits required by the City at the direction of the Fire Marshall, will be obtained through the City of Crestwood Public Services Department with the approval of the Fire Code Official or Fire Chief.
 - (4) *108.1 Board of Appeals:* In order to hear and decide appeals from any order, decision, or determination made by the Fire Code Official relative to the application and interpretation of this Code, the matter shall be directed to the City of Crestwood Board of Adjustment.
 - (5) *505.1 Address Numbers:* Is hereby deleted in its entirety.
- Chapter 27 - Hazardous Material.

- (6) *2703.4.1 General:* The owner or operator of any facility which is required to prepare or have available a material safety data sheet or an emergency and hazardous chemical inventory form under Subtitle B, Sections 311 and 312 of Title III of the Superfund Amendments and Reauthorization Act of 1986 (SARA Title III) shall provide a repository container (lock box) at the facility site as set forth in this section.
- (7) *2703.4.2 Information contained:* The repository container (lock box) shall include the following information for emergency personnel:
1. A current list of key personnel knowledgeable about safety procedures of materials on site, complete with telephone numbers for such personnel in event of an incident after normal hours of facility operations.
 2. A current emergency and hazardous chemical inventory form and a binder containing the material safety data (MSD) sheets or, in the event that the volume of MSD sheets is too great to keep practically in the repository container (lock box), the information in the container shall give the location of the on-site MSD sheets and the MSD sheets shall be readily available for use by emergency personnel.
 3. A facility site plan to include the following:
 - a. The location of storage and use of hazardous materials on site;
 - b. The location of on-site emergency firefighting and spill clean-up equipment;
 - c. A diagram of complete sewer system and the water system, showing fire hydrant and water main locations and sizes;
 - d. A copy of the local fire department's preplan for the facility; and any building floor plan deemed necessary by the Fire Code Official.
- (8) *2703.4.3 Location and identification:* The repository container (lock box) shall be installed at a location designated by the Fire Code Official and shall be identified in a manner described by the Fire Code Official.
- (9) *2703.4.4 Size:* All repository containers (lock boxes) shall have a minimum interior size of 14 inches (356 mm) high by 12 inches (305 mm) wide by 2 inches (51 mm) deep.
Exception: Where a smaller repository container (lock box) is deemed adequate by the Fire Code Official.
- (10) *2703.4.5 Keying:* All repository containers (lock boxes) shall be keyed in accordance with requirements set forth by the Fire Code Official.
- (11) *2703.4.6 Update and notification:* The owner or operator of the facility shall update the appropriate documents within the repository container (lock box) on an annual basis or more frequently when deemed necessary by the Fire Code Official and shall send the Fire Code Official all updated material, including an updated copy of the emergency and hazardous chemical inventory form, which shall be placed in the repository container (lock box) as well as disseminated among emergency response personnel.
- (12) *2703.5 Hazard identification signs:* Any occupant required by this Code and or state or federal regulations to provide Material Safety Data (MSD) sheets, shall provide visible markings as specified in NFPA 704, on the outside of the buildings, rooms, and containers where hazardous materials are present. These markings shall be in a location approved by the Fire Code Official.

Cross reference— County codes adopted, § 7-1.

Chapter 10 - FLOODWAY/FLOODPLAIN MANAGEMENT^[1]

Footnotes:

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Editor's note—Ord. No. 3667, adopted May 22, 2001 repealed the provisions of former Ch. 10 (§§ 10-1—10-10) and replaced them with Ch. 10 as currently set out herein. Former Ch. 10 pertained to similar provisions and derived from Ord. No. 3651, adopted January 23, 2001.

Cross reference— Buildings and building regulations, Ch. 7; planning and development, Ch. 19; zoning and subdivision regulations, Ch. 26.

Sec. 10-1. - Statutory authorization, findings of fact and purposes.

The Legislature of the State of Missouri has in RSMo 89.020 delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the health, safety, and general welfare. Therefore, the board of aldermen of the City of Crestwood, Missouri, ordains as follows:

(a) *Findings of fact.*

- (1) *Flood losses resulting from periodic inundation.* The special flood hazard areas of the City of Crestwood, Missouri, are subject to inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base; all of which adversely affect the public health, safety and general welfare.
- (2) *General causes of the flood losses.* These flood losses are caused by (1) the cumulative effect of development in any delineated floodplain causing increases in flood heights and velocities; and (2) the occupancy of flood hazard areas by uses vulnerable to floods, hazardous to others, inadequately elevated, or otherwise unprotected from flood damages.
- (3) *Methods used to analyze flood hazards.* The flood insurance study (FIS) that is the basis of this chapter uses a standard engineering method of analyzing flood hazards which consist of a series of interrelated steps.
 - a. Selection of a base flood that is based upon engineering calculations which permit a consideration of such flood factors as its expected frequency of occurrence, the area inundated, and the depth of inundation. The base flood selected for this chapter is representative of large floods which are characteristic of what can be expected to occur on the particular streams subject to this chapter. It is in the general order of a flood which could be expected to have a one (1) percent chance of occurrence in any one (1) year as delineated on the Federal Insurance Administrator's FIS, and illustrative materials for St. Louis County dated February 4, 2015, as amended, and any future revisions thereto.
 - b. Calculation of water surface profiles are based on a standard hydraulic engineering analysis of the capacity of the stream channel and overbank areas to convey the regulatory flood.
 - c. Computation of a floodway required to convey this flood without increasing flood heights more than one (1) foot at any point.
 - d. Delineation of floodway encroachment lines within which no development is permitted that would cause any increase in flood height.

- e. Delineation of flood fringe, i.e., that area outside the floodway encroachment lines, but still subject to inundation by the base flood.
- (b) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare; to minimize those losses described in subsection 10-1(a)(1); to establish or maintain the community's eligibility for participation in the National Flood Insurance Program (NFIP) as defined in 44 Code of Federal Regulations (CFR) 59.22(a)(3); and to meet the requirements of 44 CFR 60.3(d) by applying the provisions of this chapter to:
 - (1) Restrict or prohibit uses that are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
 - (2) Require uses vulnerable to floods, including public facilities that serve such uses, be provided with flood protection at the time of initial construction; and
 - (3) Protect individuals from buying lands that are unsuited for the intended development purposes due to the flood hazard.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— Ord. No. 4525, § 1, adopted Dec. 9, 2014, repealed the former §§ 10-1—10-8, and enacted new §§ 10-1—10-8 as set out herein. The former §§ 10-1—10-8 pertained to similar subject matter and derived from Ord. No. 3667, adopted May 22, 2001; and Ord. No. 3712, § 1, adopted Feb. 26, 2002.

Sec. 10-2. - General provisions.

- (a) *Lands to which chapter applies.* This chapter shall apply to all lands within the jurisdiction of the City of Crestwood, Missouri, identified as numbered and unnumbered A zones and AE zones, on the flood insurance rate maps (FIRMs) for St. Louis County on map panels 29189C0309K, 29189C0317K, 29189C0328K, and 29189C0336K dated February 4, 2015 as amended, and any future revisions thereto. In all areas covered by this chapter, no development shall be permitted except through the issuance of a floodplain development permit, granted by the board of aldermen or its duly designated representative under such safeguards and restrictions as the board of aldermen or the designated representative may reasonably impose for the promotion and maintenance of the general welfare, health of the inhabitants of the community, and as specifically noted in section 10-4 and 10-5.
- (b) *Floodplain administrator.* The public works director is hereby designated as the floodplain administrator under this chapter.
- (c) *Compliance.* No development located within the special flood hazard areas of this community shall be located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations.
- (d) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
- (e) *Interpretation.* In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
- (f) *Warning and disclaimer of liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions or the flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This chapter does not

imply that areas outside the floodway and flood fringe or land uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create a liability on the part of the City of Crestwood, any officer or employee thereof, for any flood damages that may result from reliance on this chapter or any administrative decision lawfully made thereunder.

- (g) *Severability.* If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of appropriate jurisdiction, the remainder of this chapter shall not be affected thereby.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-3. - Administration.

- (a) *Floodplain development permit (required).* A floodplain development permit shall be required for all proposed construction or other development, including the placement of manufactured homes, in the areas described in subsection 10-2(a). No person, firm, corporation, or unit of government shall initiate any development or substantial improvement or cause the same to be done without first obtaining a separate floodplain development permit for each structure or other development.
- (b) *Designation of floodplain administrator.* The public works director is hereby appointed to administer and implement the provisions of this chapter.
- (c) *Duties and responsibilities of floodplain administrator.* Duties of the public works director shall include, but not be limited to:
- (1) Review of all applications for floodplain development permits to assure that sites are reasonably safe from flooding and that the floodplain development permit requirements of this ordinance have been satisfied;
 - (2) Review of all applications for floodplain development permits for proposed development to assure that all necessary permits have been obtained from federal, state, or local governmental agencies from which prior approval is required by federal, state, or local law;
 - (3) Review all subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding;
 - (4) Issue floodplain development permits for all approved applications;
 - (5) Notify adjacent communities and the Missouri State Emergency Management Agency (Mo SEMA) prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency (FEMA);
 - (6) Assure that the flood carrying capacity is not diminished and shall be maintained within the altered or relocated portion of any watercourse;
 - (7) Verify and maintain a record of the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures;
 - (8) Verify and maintain a record of the actual elevation (in relation to mean sea level) that the new or substantially improved non-residential structures have been floodproofed;
 - (9) When floodproofing techniques are utilized for a particular non-residential structure, the public works director shall require certification from a registered professional engineer or architect.

(d)

Application for floodplain development permit. To obtain a floodplain development permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every floodplain development permit application shall:

- (1) Describe the land on which the proposed work is to be done by lot, block and tract, house and street address, or similar description that will readily identify and specifically locate the proposed structure or work;
- (2) Identify and describe the work to be covered by the floodplain development permit;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Indicate the assessed value of the structure and the fair market value of the improvement;
- (5) Specify whether development is located in designated flood fringe or floodway;
- (6) Identify the existing base flood elevation and the elevation of the proposed development;
- (7) Give such other information as reasonably may be required by the public works director;
- (8) Be accompanied by plans and specifications for proposed construction; and
- (9) Be signed by the permittee or his authorized agent who may be required to submit evidence to indicate such authority.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-4. - Provisions for flood hazard reduction.

(a) *General standards.*

- (1) No permit for floodplain development shall be granted for new construction, substantial improvements, and other improvements, including the placement of manufactured homes, within any numbered or unnumbered A zones and AE zones, unless the conditions of this section are satisfied.
- (2) All areas identified as unnumbered A zones on the FIRM are subject to inundation of the 100-year flood; however, the base flood elevation is not provided. Development within unnumbered A zones is subject to all provisions of this ordinance. If flood insurance study data is not available, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources.
- (3) Until a floodway is designated, no new construction, substantial improvements, or other development, including fill, shall be permitted within any numbered A zone or AE zone on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one (1) foot at any point within the community.
- (4) All new construction, subdivision proposals, substantial improvements, prefabricated structures, placement of manufactured homes, and other developments shall require:
 - a. Design or adequate anchorage to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - b. Construction with materials resistant to flood damage;
 - c. Utilization of methods and practices that minimize flood damages;
 - d.

All electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

- e. New or replacement water supply systems and/or sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and on-site waste disposal systems be located so as to avoid impairment or contamination; and
- f. Subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, located within special flood hazard areas are required to assure that:
 - 1. All such proposals are consistent with the need to minimize flood damage;
 - 2. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage;
 - 3. Adequate drainage is provided so as to reduce exposure to flood hazards; and
 - 4. All proposals for development, including proposals for manufactured home parks and subdivisions, of five (5) acres or fifty (50) lots, whichever is lesser, include within such proposals base flood elevation data.

(5) *Storage, material, and equipment.*

- a. The storage or processing of materials within the special flood hazard area that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
- b. Storage of other material or equipment may be allowed if not subject to major damage by floods, if firmly anchored to prevent flotation, or if readily removable from the area within the time available after a flood warning.

- (6) *Accessory structures.* Structures used solely for parking and limited storage purposes, not attached to any other structure on the site, of limited investment value, and not larger than four hundred (400) square feet, may be constructed at-grade and wet-floodproofed provided there is no human habitation or occupancy of the structure; the structure is of single-wall design; a variance has been granted from the standard floodplain management requirements of this chapter; and a floodplain development permit has been issued.

(b) *Specific standards.*

- (1) In all areas identified as numbered and unnumbered A zones and AE zones, where base flood elevation data have been provided, as set forth in subsection 10-4(a)(2), the following provisions are required:
 - a. Residential construction. New construction or substantial-improvement of any residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above base flood elevation.
 - b. Non-residential construction. New construction or substantial improvement of any commercial, industrial, or other non-residential structures, including manufactured homes, shall have the lowest floor, including basement, elevated to one (1) foot above the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below the base flood elevation the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered

professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator as set forth in subsection 10-3(c)(9).

- c. Require, for all new construction and substantial improvements that fully enclosed areas below lowest floor used solely for parking of vehicles, building access, or storage in an area other than a basement and that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - 1. A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; and
 - 2. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

(c) *Manufactured homes.*

- (1) All manufactured homes to be placed within all unnumbered and numbered A zones and AE zones, on the community's FIRM shall be required to be installed using methods and practices that minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
- (2) Require manufactured homes that are placed or substantially improved within unnumbered or numbered A zones and AE zones, on the community's FIRM on sites:
 - a. Outside of manufactured home park or subdivision;
 - b. In a new manufactured home park or subdivision;
 - c. In an expansion to and existing manufactured home park or subdivision; or
 - d. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial-damage as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to one (1) foot above the base flood elevation and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (3) Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within all unnumbered and numbered A zones and AE zones, on the community's FIRM, that are not subject to the provisions of subsection 10-4(c)(2) of this chapter, be elevated so that either:
 - a. The lowest floor of the manufactured home is at one (1) foot above the base flood level; or
 - b. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and be securely attached to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- (d) *Floodway.* Located within areas of special flood hazard established in subsection 10-2(a) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters that carry debris and potential projectiles, the following provisions shall apply:
 - (1)

The community shall select and adopt a regulatory floodway based on the principle that the area chosen for the regulatory floodway must be designed to carry the waters of the base flood without increasing the water surface elevation of that flood more than one (1) foot at any point.

- (2) The community shall prohibit any encroachments, including fill, new construction, substantial-improvements, and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
 - (3) If subsection 10-4(d)(2) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 10-4.
 - (4) In unnumbered A zones, the community shall obtain, review, and reasonably utilize any base flood elevation or floodway data currently available from federal, state, or other sources as set forth in subsection 10-4(a)(2).
- (e) *Recreational vehicles.*
- (1) Require that recreational vehicles placed on sites within all unnumbered and numbered A zones and AE zones on the community's FIRM either:
 - a. Be on the site for fewer than one hundred eighty (180) consecutive days,
 - b. Be fully licensed and ready for highway use*; or
 - c. Meet the permitting, elevation, and the anchoring requirements for manufactured homes of this ordinance.
- * A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanently attached additions.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-5. - Floodplain management variance procedures.

- (a) *Establishment of appeal board.* The board of adjustment as established by the City of Crestwood shall hear and decide appeals and requests for variances from the floodplain management requirements of this chapter.
- (b) *Responsibility of appeal board.* Where an application for a floodplain development permit or request for a variance from the floodplain management regulations is denied by the public works director, the applicant may apply for such floodplain development permit or variance directly to the board of adjustment, as defined in subsection 10-5(a). The board of adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the public works director in the enforcement or administration of this chapter.
- (c) *Further appeals.* Any person aggrieved by the decision of the board of adjustment or any taxpayer may appeal such decision to the St. Louis County Circuit Court as provided in RSMo 89.110.
- (d) *Floodplain management variance criteria.* In passing upon such applications for variances, the board of adjustment shall consider all technical data and evaluations, all relevant factors, standards specified in other sections of this chapter, and the following criteria:
 - (1) The danger to life and property due to flood damage;
 - (2) The danger that materials may be swept onto other lands to the injury of others;

- (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations, not subject to flood damage, for the proposed use;
 - (7) The compatibility of the proposed use with existing and anticipated development;
 - (8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (9) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters, if applicable, expected at the site; and,
 - (11) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems; streets; and bridges.
- (e) *Conditions for approving floodplain management variances.*
- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (½) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (e)(2) through (6) below have been fully considered. As the lot size increases beyond the one-half (½) acre, the technical justification required for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, or local inventory of historic places upon determination provided the proposed activity will not preclude the structure's continued historic designation.
 - (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause,
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - (6) An applicant shall be notified in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.
- (f) *Conditions for approving variances for accessory structures.*
- (1)

Any variance granted for an accessory structure shall be decided individually based on a case by case analysis of the building's unique circumstances. Variances granted shall meet the following conditions as well as those criteria and conditions set forth in subsection 10-5(d) and (e) of this chapter.

- (2) In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for accessory structures that are constructed at-grade and wet-floodproofed.
- a. Use of the accessory structures must be solely for parking and limited storage purposes in zone A only as identified on the community's flood insurance rate map (FIRM).
 - b. For any new or substantially damaged accessory structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with subsection 10-4(a)(4)b. of this chapter.
 - c. The accessory structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure in accordance with subsection 10-4(a)(4)a. of this chapter. All of the building's structural components must be capable of resisting specific flood-related forces including hydro-static, buoyancy, and hydrodynamic and debris impact forces.
 - d. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with subsection 10-4(a)(4)d. of this chapter.
 - e. The accessory structures must meet all National Flood Insurance Program (NFIP) opening requirements. The NFIP requires that enclosure or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with subsection 10-4(b)(1)c. of this chapter.
 - f. The accessory structures must comply with the floodplain management floodway encroachment provisions of subsection 10-4(d)(2). No variances may be issued for accessory structures within any designated floodway, if any increase in flood levels would result during the 100-year flood.
 - g. Equipment, machinery, or other contents must be protected from any flood damage.
 - h. No disaster relief assistance under any program administered by any Federal agency shall be paid for any repair or restoration costs of the accessory structures.
 - i. An applicant shall be notified in writing over the signature of a community official that (1) the issuance of a variance to construct a structure below base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage and (2) such construction below the base flood level increases risks to life and property. Such notification shall be maintained with the record of all variance actions as required by this chapter.
 - j. Wet-floodproofing construction techniques must be reviewed and approved by the community and registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-6. - Penalties for violation.

Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with granting of variances) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than five hundred dollars (\$500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the City of Crestwood or other appropriate authority from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-7. - Amendments.

The regulations, restrictions, and boundaries set forth in this chapter may from time to time be amended, supplemented, changed, or appealed to reflect any and all changes in the National Flood Disaster Protection Act of 1973, provided, however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published in a newspaper of general circulation in the City of Crestwood. At least twenty (20) days shall elapse between the date of this publication and the public hearing. A copy of such amendments will be provided to the Region VII office of the Federal Emergency Management Agency (FEMA). The regulations of this chapter are in compliance with the National Flood Insurance Program (NFIP) regulations.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-8. - Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning they have in common usage and to give this chapter its most reasonable application.

100-year flood. See "base flood."

Accessory structure means the same as "appurtenant structure."

Actuarial rates. See "risk premium rates."

Administrator means the Federal Insurance Administrator.

Agency means the Federal Emergency Management Agency (FEMA).

Agricultural commodities means agricultural products and livestock.

Agricultural structure means any structure used exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities.

Appeal means a request for review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

Appurtenant structure means a structure that is on the same parcel of property as the principle structure to be insured and the use of which is incidental to the use of the principal structure, and is four hundred (400) square feet or less when measured at the largest horizontal projections.

Area of special flood hazard is the land in the floodplain within a community subject to a one (1) percent or greater chance of flooding in any given year.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Basement means any area of the structure having its floor subgrade (below ground level) on all sides.

Building. See "structure."

Chief executive officer or chief elected official means the official of the community who is charged with the authority to implement and administer laws, ordinances, and regulations for that community.

Community means any State or area or political subdivision thereof, which has authority to adopt and enforce floodplain management regulations for the areas within its jurisdiction.

Development means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, levees, levee systems, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Elevated building means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, posts, piers, pilings, or columns.

Eligible community or participating community means a community for which the Administrator has authorized the sale of flood insurance under the National Flood Insurance Program (NFIP).

Existing construction means for the purposes of determining rates, structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. Existing construction may also be referred to as "existing structures."

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an existing manufactured home park or subdivision means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland and/or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood boundary and floodway map (FBFM) means an official map of a community on which the administrator has delineated both special flood hazard areas and the designated regulatory floodway.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one (1) percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards.

Flood fringe means the area outside the floodway encroachment lines, but still subject to inundation by the regulatory flood.

Flood hazard boundary map (FHBM) means an official map of a community, issued by the administrator, where the boundaries of the flood areas having special flood hazards have been designated as (unnumbered or numbered) A zones.

Flood insurance rate map (FIRM) means an official map of a community, on which the administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study (FIS) means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain or flood-prone area means any land area susceptible to being inundated by water from any source (see "flooding").

Floodplain management means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain and grading ordinances) and other applications of police power. The term describes such state or local regulations, in any combination thereof, that provide standards for the purpose of flood damage prevention and reduction.

Floodproofing means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, or structures and their contents.

Floodway or regulatory floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floodway encroachment lines means the lines marking the limits of floodways on federal, state and local floodplain maps.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as bridge openings and the hydrological effect of urbanization of the watershed.

Functionally dependent use means a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. This term includes only docking facilities and facilities that are necessary for the loading and unloading of cargo or passengers, but does not include long-term storage or related manufacturing facilities.

Highest adjacent grade means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

Historic structure means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or (d) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either (1) by an approved state program as determined by the Secretary of the Interior or (2) directly by the Secretary of the Interior in states without approved programs.

Lowest floor means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access, or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable floodproofing design requirements of this chapter.

Manufactured home means a structure, transportable in one (1) or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a "recreational vehicle."

Manufactured home park or subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

Map means the flood hazard boundary map (FHBM), flood insurance rate map (FIRM), or the flood boundary and floodway map (FBFM) for a community issued by the Federal Emergency Management Agency (FEMA).

Market value or *fair market value* means an estimate of what is fair, economic, just and equitable value under normal local market conditions.

Mean sea level means, for purposes of the National Flood Insurance Program (NFIP), the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's flood insurance rate map (FIRM) are referenced.

New construction means, for the purposes of determining insurance rates, structures for which the "start of construction" commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the "start of construction" commenced on or after the effective date of the floodplain management regulations adopted by a community and includes any subsequent improvements to such structures.

New manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by the community.

(NFIP) means the National Flood Insurance Program (NFIP).

Participating community also known as an "eligible community," means a community in which the administrator has authorized the sale of flood insurance.

Person includes any individual or group of individuals, corporation, partnership, association, or any other entity, including federal, state, and local governments and agencies.

Principally above ground means that at least fifty-one (51) percent of the actual cash value of the structure, less land value, is above ground.

Recreational vehicle means a vehicle which is (a) built on a single chassis and (b) designed to be self-propelled or permanently towable by a light-duty truck.

Remedy a violation means to bring the structure or other development into compliance with federal, state, or local floodplain management regulations; or, if this is not possible, to reduce the impacts of its noncompliance.

Repetitive loss means flood-related damages sustained by a structure on two (2) separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, equals or exceeds twenty-five (25) percent of the market value of the structure before the damage occurred.

Risk premium rates means those rates established by the administrator pursuant to individual community studies and investigations which are undertaken to provide flood insurance in accordance with Section 1307 of the National Flood Disaster Protection Act of 1973 and the accepted actuarial principles. Risk premium rates include provisions for operating costs and allowances.

Special flood hazard area. See "area of special flood hazard."

Special hazard area means an area having special flood hazards and shown on an FHBM, FIRM or FBFM as zones (unnumbered or numbered) A and AE.

Start of construction includes substantial improvements, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvements were within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring

of slabs or footings, the installation of piles, the construction of columns, any work beyond the stage of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, the installation of streets and/or walkways, excavation for a basement, footings, piers, foundations, the erection of temporary forms, nor installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

State coordinating agency means that agency of the state government, or other office designated by the governor of the state or by state statute at the request of the administrator to assist in the implementation of the National Flood Insurance Program (NFIP) in that state.

Structure means, for floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Structure for insurance purposes, means a walled and roofed building, other than a gas or liquid storage tank that is principally above ground and affixed to a permanent site, as well as a manufactured home on a permanent foundation. For the latter purpose, the term includes a building while in the course of construction, alteration or repair, but does not include building materials or supplies intended for use in such construction, alteration or repair, unless such materials or supplies are within an enclosed building on the premises.

Substantial damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. The term includes repetitive loss buildings (see definition).

For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

The term does not apply to:

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure," or
- c. Any improvement to a building.

Substantial improvement means any combination of reconstruction, alteration, or improvement to a building, taking place during a ten-year period, in which the cumulative percentage of improvement equals or exceeds fifty (50) percent of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. This term includes structures, which have incurred "repetitive loss" or "substantial damage," regardless of the actual repair work done.

The term does not apply to:

- a. Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or
- b. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure," or
- c. Any building that has been damaged from any source or is categorized as repetitive loss.

Substantially improved existing manufactured home parks or subdivisions is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds fifty (50) percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Variance means a grant of relief by the community from the terms of a floodplain management regulation. Flood insurance requirements remain in place for any varied use or structure and cannot be varied by the community.

Violation means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum where specified) of floods of various magnitudes and frequent frequencies in the floodplain.

(Ord. No. 4525, § 1, 12-9-14)

Editor's note— See the editor's note following § 10-1.

Sec. 10-9. - Additional standards recommended by FEMA Region VII.

The following are additional standards recommended by the regional office. While more stringent than the minimum standards of the National Flood Insurance Program, they will greatly reduce the potential for significant flood damages in the future.

(1) *Nonconforming use.*

- a. A structure or the use of a structure or premises which was lawful before the passage or amendment of the ordinance, but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:
 - 1. If such use is discontinued for twelve (12) consecutive months, any future use of the building premises shall conform to this chapter.
 - 2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred except that if it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building, or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

3. A structure may be improved (remodeled or enlarged) without conforming to current requirements for elevation so long as the cumulative value of all work done within the last five (5) calendar years does not exceed fifty (50) percent of the structure's current market value. If the cumulative value of the improvement does exceed fifty (50) percent of the structure's current market value, the structure must be brought into compliance with subsection 10-4(b) which requires elevation of residential structures to or above the base flood elevation or the elevation/floodproofing of non-residential structures to or above the base flood elevation.

(2) *Critical facilities.*

- a. All new or substantially improved critical nonresidential facilities including, but not limited to governmental buildings, police stations, fire stations, hospitals, orphanages, penal institutions, communications centers, water and sewer pumping station, water and sewer treatment facilities, community centers, transportation maintenance facilities, places of public assembly, emergency aviation facilities, and schools shall be elevated above the elevation of the 500-year flood or together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is water tight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in subsection 10-3(c) (9).
- b. All critical facilities shall have access routes which are above the elevation of the 500-year flood.
- c. No critical facilities shall be constructed in the floodway.

(3) *Hazardous materials.*

- a. All hazardous material storage and handling sites shall be located out of the Special Flood Hazard Area.

(4) *Freeboard recommendation.*

- a. *Residential.* Subsection 10-4(b)(1)a. contains elevation requirement for residential development. The minimum requirement, except where state law has a more stringent requirement, is for elevation to the base flood elevation. It is recommended that communities require at least an additional one (1) foot of elevation. This will reduce the flood insurance premiums for residents and provide an additional measure of safety.
- b. *Non-Residential.* Subsection 10-4(b)(1)b. contains elevation requirement for non-residential development. The minimum requirement, except where state law has a more stringent requirement, is for elevation or floodproofing to the base flood elevation. It is recommended that communities require at least an additional one (1) foot of elevation. This will reduce the flood insurance premiums for residents and provide an additional measure of safety. This is especially true when a nonresidential structure is floodproofed. Unless the floodproofed structure is floodproofed to one (1) foot above the base flood elevation, the flood insurance is rated at below base flood elevation.

(Ord. No. 3667, 5-22-01; Ord. No. 4525, § 2, 12-9-14)

Sec. 10-10. - Effective.

This chapter shall be in full force and effect from and after its date of passage by the board of aldermen and approval by the mayor.

(Ord. No. 3667, 5-22-01)

Chapter 11 - FOOD AND FOOD ESTABLISHMENTS^[1] (RESERVED)

Footnotes:

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Editor's note—The provisions of this chapter are in the process of revision.

Cross reference— Air pollution, Ch. 3; alcoholic beverages, Ch. 5; health, Ch. 12; licenses and business regulations, Ch. 13; access to smoke-free air, § 16-58; zoning, Ch. 26.

State Law reference— Food and drugs, RSMo Ch. 196; municipal regulation of grocers, confectioners, restaurants, butchers, boardinghouses, RSMo 94.270; sanitation in establishments handling food, RSMo 196.190; industrial inspection of restaurants, RSMo 291.060.

Chapter 12 - HEALTH^[1]

Footnotes:

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Cross reference— Administration, Ch. 2; air pollution, Ch. 3; animal control code, Ch. 6; food and food establishments, Ch. 11; licenses and business regulations, Ch. 13; sewers, Ch. 21; solid waste, Ch. 23; druggists in possession of intoxicating liquors, § 5-18; massage parlors, § 13-161 et seq.; outpatient surgical treatment center, § 13-185 et seq.; drugs, § 16-53; access to smoke-free air, § 16-58.

State Law reference— Public health and welfare, RSMo Ch. 188 et seq.; state and local health regulations, RSMo 192.290; enforcement by city health officer, RSMo 192.280; regulation of sanitary conditions, RSMo 79.370; control of diseases, RSMo 79.380.

ARTICLE I. - NON-RESIDENTIAL YARD BY-PRODUCT COMPOST FACILITIES

Sec. 12-1. - Definitions.

The following definitions shall apply to this article:

Compost means the biological decomposition of organic constituents under controlled conditions.

Director means the Director of Public Works of the City of Crestwood.

Yard by-product means source separated leaves, grass clippings, yard and garden vegetation and Christmas trees.

Yard by-product compost facility means a non-residential premises which collects and/or accepts recovered yard by-product generated off-site for the purpose of controlled biological decomposition.

(Ord. No. 3587, § 1, 11-23-99)

Sec. 12-2. - Duties of director.

The director of public works shall administer, and be responsible for the enforcement of, the provisions of this article.

(Ord. No. 3587, § 1, 11-23-99)

Sec. 12-3. - Application for yard by-product compost facility license.

No person shall construct or operate a yard by-product compost facility within the City of Crestwood without having obtained a license issued by the director. A written application shall be made to the director for the issuance of such a license, which shall include a facility plan containing the following:

- (1) A description of the type of materials the yard by-product compost facility will accept.
- (2) The maximum storage capacity of material which will allow for proper management of the material.
- (3) The technology proposed to be utilized to process and store the materials.
- (4) Drawings detailing the operation of the yard by-product compost facility.
- (5) Location of the nearest available water source.
- (6) A description of windrow construction (or other approved methodology) to achieve a marketable finished compost product.
- (7) A description of construction of processing and storage bases. Bases shall be designed to shed stormwater and maintain integrity through continued use of heavy equipment.
- (8) Closure plan for the facility.
- (9) A schedule for the construction and completion of the facility stated with the respect to the time of the issuance of a license for construction and operation of the facility.
- (10) Such other information as the director may require to assess the suitability of the proposed yard by-product compost facility.

The director shall examine the premises and review the application and may direct the applicant to prepare such studies as shall assist the director in determining whether the criteria set forth herein have been satisfied.

The director may require such modifications to the plan as the director deems necessary.

No license shall be issued hereunder unless the applicant has obtained a conditional use permit pursuant to the applicable provisions of the zoning code.

(Ord. No. 3587, § 1, 11-23-99)

Sec. 12-4. - Standards for operation of a yard by-product compost facility.

Yard by-product compost facilities shall adhere to the following requirements:

- (1) A facility shall not accept material beyond that which can be properly managed.
- (2) Materials for composting shall be stored in a manner that will minimize the generation of odor and aesthetic problems, prevents spontaneous combustion and the harborage of vectors and shall not create a public health nuisance.
- (3) Vector control programs shall be implemented to prevent or rectify vector problems.
- (4) Surface water courses and run-off shall be diverted to storm sewers, detention ponds or other approved collection methods.
- (5) Materials easily moved by wind shall be stored in such a manner as to prevent such material from becoming airborne and scattered.

- (6) Fire extinguishers shall be provided and accessible.
- (7) Compliance with handling, storage and disposal requirements for materials regulated under federal, state and/or local jurisdictions shall be met.

(Ord. No. 3587, § 1, 11-23-99)

Sec. 12-5. - Reporting requirements.

- (a) The operator of a yard by-product compost facility shall annually file a report with the director of the volume of yard by-product in cubic yards received by the facility during the previous year and of the volume of end-use product produced.
- (b) The director shall notify the St. Louis County Department of Health annually of each yard by-product compost facility regulated by the city and, as to each such facility the volume of yard by-product in cubic yards received by each facility during the previous year and the volume of end-use product produced.

(Ord. No. 3587, § 1, 11-23-99)

Sec. 12-6. - Closure procedures for a yard by-product compost facility.

The director shall inspect the yard by-product compost areas when notified by a licensee that a yard by-product compost facility area is being closed. The licensee shall comply with the following:

- (1) Remove or cause to be removed all yard by-product material from the yard by-product compost facility site.
- (2) Restore the site by planting grass and trees, as deemed necessary by the director.
- (3) At least thirty (30) days prior to the closure date, notify all regular suppliers and haulers of organic material (yard by-products and bulking agents) and regular recipients/customers of compost of its intent to close.
- (4) At least thirty (30) days prior to the closure date, post a legible sign with letters not less than three (3) inches in height stating that the facility is being closed. The sign shall also state the final date any yard by-product or other organic materials used in the compost process will be received by the facility and the final date compost may be obtained from the facility. The sign shall be located at all facility access gates and shall be visible to all customers entering the facility.
- (5) Initiate implementation of the closure plan within ninety (90) days of the closure date.
- (6) Not later than thirty (30) days following the closure date, post a sign, easily visible at all access gates leading into the facility, containing the following, in letters not less than three (3) inches in height:

"This facility is closed for all composting activities and receipt of yard by-product. No dumping allowed. Violators shall be subject to such penalties as are provided for violation of city ordinances."

Such sign shall be maintained in a legible condition until certification of completion of closure is issued for the facility by the director.

- (7) A yard by-product compost facility shall be considered finally closed upon final inspection of the facility and certified as closed by the director. If the director determines that closure has been in compliance with the closure plan, the director shall, within thirty (30) days of the inspection date, issue written certification of such to the operator of the facility.

(Ord. No. 3587, § 1, 11-23-99)

Chapter 13 - LICENSES AND BUSINESS REGULATIONS^[1]

Footnotes:

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Cross reference— *Alarm systems, Ch. 4; alcoholic beverages, Ch. 5; animal control code, Ch. 6; buildings and building regulations, Ch. 7; food and food establishments, Ch. 11; health, Ch. 12; signs, Ch. 22; taxation, Ch. 25; zoning and subdivision regulations, Ch. 26; city clerk/collector, § 2-57; licensing dogs and cats, § 6-4; sales from vehicles on streets, § 14-20; parking commercial vehicles, § 14-160; charges against corporations in municipal court, § 15-15; handbill distribution, § 16-35; solicitations in parks, § 17-17; goods on sidewalk, § 24-54; sidewalk contractors, § 24-58; sales tax, § 25-21 et seq.*

State Law reference— *Municipal taxing powers, RSMo 71.610 et seq.; municipal licenses, RSMo 94.230, 94.270.*

ARTICLE I. - IN GENERAL

Sec. 13-1. - Definitions.

The following definitions shall apply in the construction of this chapter:

Businesses: All occupations, callings, professions, trades, pursuits, dealers, enterprises, corporations, firms, institutions, manufacturers, merchants and other commercial or profit making establishments, subject to tax by the city, whether temporary, seasonal, intermittent or permanent.

Enterprise: Any activity, use, vocation, pursuit, hobby, status, thing or other subject taxable under this chapter other than a business as herein defined, whether or not sales are conducted or made.

Occupation: A business, calling, trade or other profit making enterprise.

Operator: One who conducts, manages or carries on a business or enterprise.

Permanent: Operating six (6) months or more per year.

Sales: Selling, trading, dealing or rendering any service or supplying any commodities, thing, use, facility or right or doing any other thing, or permitting anything to be done or used, for which a price, fee, commission, admission, rental or other costs profit or revenue is charged or derived.

Temporary: Indefinite, or on a daily, weekly, monthly or seasonal basis, or other period of less than six (6) months, or for an undetermined, intermittent or indefinite time.

(Ord. No. 128, § 1, 4-28-53; Code 1965, § 32.01)

Sec. 13-2. - "Garage" or other sales on residential premises.

(a) All so-called "garage sales" or other sales involving the offering for sale of multiple items of personal property on property zoned and occupied as "residential" shall be subject to the following rules and regulations:

- (1) No person shall accept to take in for sale any goods from any commercial business or enterprise on a consignment basis.
- (2) Not more than three (3) such sales per year shall be held at the premises if occupied by the same family or any member of such family.
- (3) Any sale conducted pursuant to the provisions hereof shall not extend in excess of two (2) days.

- (4) One (1) sign directing clients to the garage sale may be placed on an appropriate public right-of-way for the duration of the sale only, and no signs advertising such sale shall be placed on the property of another or the city right-of-way abutting such property without the consent of such other property owner.
- (b) It shall be unlawful for any person to violate any of the provisions of subsection (a) hereof, and any person convicted of such violation shall be punished in accordance with section 1-6 of this Code.
- (c) The provisions of this section shall not apply to or affect persons selling goods pursuant to an order of process of a court of competent jurisdiction or persons acting in accordance with their power and duties as public officials or in the capacity of auctioneers at a public sale.
- (Ord. No. 2085, § 1, 1-27-87)

Secs. 13-3—13-15. - Reserved.

ARTICLE II. - GENERAL OCCUPATIONS AND BUSINESSES

DIVISION 1. - GENERALLY

Sec. 13-16. - Licenses or permits required.

No person shall engage in any trade, profession, business or privilege in the city for which a license or permit is required by any provision of this Code without first obtaining such license or permit from the city in the manner provided in this chapter, unless otherwise specifically provided.

(Code 1965, § 31.01)

Sec. 13-17. - Application.

Unless otherwise provided, application for a license or permit shall be made in writing to the city clerk/collector upon forms provided by the city, and the applicant shall state the location of the proposed activity and such other facts as may be required for or be applicable to the granting of such a license or permit.

(Code 1965, § 31.02)

Sec. 13-18. - Payment of fee.

- (a) The fees required for any license or permit shall be paid at the office of the city clerk/collector before the granting of the license or permit. The city clerk/collector shall issue a receipt for the fee, and upon compliance with the conditions of the license or permit, the city clerk/collector, or such other person as the board of aldermen may by order designate, shall issue the license or permit to the applicant. Unless otherwise provided, no fee paid shall be refunded, unless the license or permit is denied.
- (b) Unless otherwise provided, an annual license fee shall become due and payable on June first of each year and shall become delinquent on July first of the same year.
- (c) All license fees shall be prorated for the portion of the year to which they are applicable.
- (d) Delinquent annual license fees shall be subject to a penalty of five (5) percent if paid during the first month of delinquency, and an additional five (5) percent per month for each month thereafter until paid.

(Ord. No. 748, §§ 1—3, 10-9-62; Code 1965, § 31.03)

Sec. 13-19. - Approval; denial.

- (a) Where the approval of any city officer or state officer is required prior to the issuance of any license or permit, such approval must be presented to the city clerk/collector before any license or permit is issued.
- (b) No license or permit shall be approved by any city officer or issued by the city clerk/collector if it appears that the conduct of the activity for which a license or permit is sought will be contrary to the health, safety or welfare of the public or any regulation, law or ordinance applicable to such activity.
- (c) Where not otherwise provided, the board of aldermen shall approve the issuance of any license or permit.
- (d) No license required under the provisions of this chapter shall be issued to an applicant until such applicant produces a copy of a certificate of insurance for worker's compensation coverage if such applicant is required to cover his, her or its liability under Chapter 287, RSMo. It shall be unlawful for any applicant to provide fraudulent information hereunder.
 - (1) Nothing herein shall be construed to create or constitute a liability to or a cause of action against the city in regard to the issuance or nonissuance of any license pursuant to the foregoing provision.
 - (2) Reserved.

(Ord. No. 424, § 1, 3-11-58; Code 1965, § 31.05; Ord. No. 3279, § 1, 8-24-93)

Sec. 13-20. - Certificate—Generally.

License or permit certificates shall show the name of the licensee or permittee, the date of issue, the activity licensed and the term of the license or permit, and shall be signed in the name of the city by the city clerk/collector, and be impressed with the city seal. The city clerk/collector shall keep a record of all licenses and permits issued.

(Code 1965, § 31.06)

Sec. 13-21. - Same—Exhibition.

Every licensee or permittee shall carry his license or permit certificate upon his person at all times when engaged in the activity for which the license or permit was granted; except that where such activity is conducted at a fixed place or establishment, the license or permit certificate shall be exhibited at all times in some conspicuous place in his place of business. The licensee or permittee shall exhibit the license certificate when applying for a renewal and upon demand of any police officer or person representing the issuing authority.

(Code 1965, § 31.08)

Sec. 13-22. - Inspections.

City officials may enter upon the premises where any licensed or permitted activity is being conducted for the purpose of inspection.

(Code 1965, § 31.11)

Sec. 13-23. - Transfer.

Unless otherwise provided, no license or permit shall be transferable or assignable.

(Code 1965, § 31.09)

Sec. 13-24. - Revocation.

Licenses and permits may be revoked as may be provided by this Code or by law.

(Code 1965, § 31.12)

Sec. 13-25. - License and permit term.

- (a) Unless otherwise provided, the term of the license year shall begin on June first and end on May 31 of the following year.
- (b) Where the issuance of licenses for a period of less than one (1) year is permitted, the effective date of such license shall commence with the date of issuance.
- (c) Permits shall be issued for the term set forth in the permit.

(Code 1965, § 31.07)

Sec. 13-26. - Renewal.

License or permit renewals shall be issued in the same manner and be subject to the same conditions as original licenses or permits.

(Code 1965, § 31.10)

Sec. 13-27. - Solicitors.

- (a) *Definitions.* As used in this section:

Charitable solicitation campaign shall mean any course of conduct whereby any person, organization, society, association or church goes from place to place or house to house for the purpose of soliciting property or financial assistance of any kind or to sell or offer to sell any article, tag, service, emblem, publication, ticket, subscription or anything of value on the representation that such sale or solicitation of the proceeds therefrom are for a charitable, educational, patriotic, religious or philanthropic purpose.

Private residence shall mean apartment buildings, condominium buildings, cooperative housing structures, as well as all single-and multiple-family dwelling units and the real estate upon which such residential units may be situated.

Solicitor shall mean any individual traveling by foot, wagon, automobile, motor truck or any type of conveyance from house to house or place to place for the purpose of soliciting contributions or taking orders for books, charts, maps, magazines or other merchandise for future delivery or for services to be furnished or performed then or in the future, whether or not such individual has, carries or exposes for sale a sample of the subject of such sale or whether he collects advance payments on such sales or not. Provided, however, that the provisions of this section shall not apply to salesmen soliciting orders from or selling to: Retail dealers for resale, wholesalers and manufacturers for manufacturing purposes, or to the bidders for public works or supplies. The term "solicitor" shall include "canvasser" and "salesman."

- (b) *Soliciting, peddling or hawking on private property.*

- (1) No person shall go upon land upon which is situated a private residence for the purpose of soliciting orders for the sale of goods, wares and merchandise or for the purpose of disposing of or peddling or hawking the same, not having been requested or invited to do so by the owner or occupant of such private residence.
- (2) No canvasser or solicitor shall fail or refuse to leave any building or any enclosed or improved real estate lot or other parcel of ground in the city when requested to leave by the person solicited.

(c) *Charitable solicitation permit—Required.* No charitable solicitation campaign shall be carried on without first having obtained a permit therefor.

(d) *Same—Application.*

- (1) Each applicant for a permit for charitable solicitation shall make application to the city administrator on application forms supplied by the city administrator. All applications for such permit shall be made at least thirty (30) days prior to the date an organization or a person desires to commence a charitable solicitation campaign. Applications shall contain the following information:
 - a. The name, address and telephone number of the applicant and the name of the person to whom correspondence should be addressed;
 - b. The names and addresses of its principal officers and management;
 - c. The purpose for which such campaign is to be made and the use or disposition to be made of any receipts therefrom;
 - d. The name of the person or persons by whom the receipts of such campaign shall be disbursed;
 - e. The name and address of the person or persons who will be in direct charge of conducting the campaign;
 - f. An outline of the methods to be used in conducting the solicitations;
 - g. The length of time for which the permit is desired;
 - h. The number of agents and solicitors to be used by the applicant in the charitable solicitation campaign;
 - i. The amount of any wages, fees, commissions, expenses or emoluments to be expended or paid to anyone in connection with such campaign, together with the manner in which such wages, fees, expenses, commissions or emoluments are to be expended, to whom and the amount thereof;
 - j. A full statement of the character and extent of the charitable or philanthropic work being done by the applicant organization;
 - k. A financial statement for the last preceding fiscal year of any funds collected by means of a charitable solicitation campaign by the organization or person seeking a permit to conduct such campaign, such statement giving the amount of money so raised, together with the cost of raising it and the financial distribution thereof;
 - l. Such other information as may be required by the city, in order for the city to determine fully the kind and character of the proposed solicitation, and as to whether such solicitation is in the interests of, and not inimical to, the public welfare;
 - m. A statement whether Crestwood residents will be used as solicitors in the campaign; and
 - n. A statement as to whether or not the applicant has applied for a charitable solicitation permit within the previous year from the charitable solicitation commission of the county. If so, the date of such application and the action taken by such commission on the application.

(e) *Same—Issuance.*

- (1) Upon receipt of the application as provided for in the above subsection, the city administrator shall make, or cause to be made, such investigation as shall be deemed necessary in regard thereto. If satisfied that such charitable solicitation campaign is to be for a bona fide charitable, patriotic or philanthropic purpose, that such campaign is prompted solely by a desire to finance

the cause in question, that the organization conducting the campaign is under the control and supervision of responsible and reliable persons and that the cost of raising the funds shall be reasonable, then the city administrator shall make available to the applicant a permit upon the payment of a five-dollar fee by the applicant. The permit shall designate the total number of solicitors licensed to participate in the charitable solicitation campaign as declared in the application for the charitable solicitation permit. Such permit shall be nontransferable and shall not run for more than one (1) month.

- (2) In no case shall the city administrator certify nor grant a permit to conduct a charitable solicitation campaign when:
 - a. The charitable solicitation campaign is conducted by soliciting property or financial assistance of any kind and the expense of conducting the campaign shall exceed twenty-five (25) percent of the gross amount raised; or
 - b. The charitable solicitation campaign is conducted by selling or offering for sale any article, tag, service, emblem, publication, ticket, subscription or anything of value and the expense of conducting the campaign shall exceed twenty-five (25) percent of the difference between the cost of the merchandise or service to the organization and the selling price of the merchandise or service.
 - (3) The city administrator may, upon request, renew the charitable solicitation permit once annually for no additional permit charge and without requiring the filing of a new permit form. Extensions of time may be granted by the city administrator to the one-month limit not to exceed an additional two (2) months.
 - (4) The city administrator may implement additional rules and regulations to carry out the intent of this section.
- (f) *Credentials required for charitable solicitors.*
- (1) Every person who shall be engaged in the activity of soliciting during a charitable solicitation campaign conducted pursuant to a charitable solicitation permit shall carry an identification card furnished by the city administrator upon his person while engaged in such solicitation activity. A charge of one dollar (\$1.00) shall be made for each identification card issued.
 - (2) The identification card shall contain such information as is deemed pertinent by the city administrator.
 - (3) Identification cards shall not be required for persons who reside within the city or the immediate vicinity and who are soliciting within their own neighborhood.
- (g) *Permit not an endorsement.* No person holding a permit or any agent, member or representative thereof shall advertise, represent or hold out in any manner that such permit is an endorsement of the holder by the city or by any member thereof, or by any organization which such member may represent.
- (h) *Exemptions.* The provisions of this section shall not apply:
- (1) To any established organization, organized and operated exclusively for religious or charitable purposes and not operated for the pecuniary profit of any person and if the solicitations by such established organization are conducted among the members thereof by other members thereof, voluntarily and without remuneration for making such solicitations;
 - (2) Where such solicitation is in the form of collections or contributions at the regular assemblies or services of any such established organization.

- (i) *Revocation of permit.* A solicitor's, canvasser's or charitable solicitation permit may be revoked by the city administrator upon the recommendation of the chief of police for violations by the holder thereof of any of the provisions of this Code or other ordinances of the city or any state or federal law, or whenever the holder of such permit shall in the judgment of the chief of police cease to possess the character and qualifications required by this section for the issuance of such permit. The recommendation of the chief of police shall be in writing and shall express the nature in which the holder of the permit has ceased to possess the qualifications required by this section.

(Code 1965, § 32.07; Ord. No. 1692, § 1, 11-22-77)

State Law reference— Religious and charitable associations, RSMo Ch. 352.

Sec. 13-28. - Automobile and other sales rooms.

- (a) *Defined.* As used in this section, "automobile sales rooms" means businesses where the primary activity is the sale of new automobiles.
- (b) *Arrangement.* The front of buildings used for automobile sales rooms shall be used only for office purposes and display of a limited number of vehicles. The front wall of the building shall be parallel with the adjacent street, or one (1) of them if it is a corner lot. The repair and servicing department and storage space shall be separated from the offices and new car display area by a fireproof wall which shall be at least twenty-five (25) feet further from the street than the front wall of the office and display room.
- (c) *Display of vehicles.* No motor vehicle or equipment therefor may be displayed outside of the building, except behind a line parallel with the street and extending along the rear wall of the building from one (1) side of the lot to the other. If the business is on a corner lot, no cars may be displayed closer to the side street than the building or setback line applying further. By special permit granted in accordance with the procedure set forth in section 26-38, the board of aldermen may authorize a limited number of automobiles to be displayed in front or on the side of the main building, and may, to avoid hardship, modify or vary other provisions of this section to permit reasonable use of the property and at the same time preserve the purpose and intent of this provision.
- (d) *Tractors; boats; trailers.* The regulations pertaining to automobile sales rooms shall apply to the sale of tractors, grading and road machinery and other equipment, and to boats and trailers.

(Ord. No. 661, §§ 1, 9, 5-16-61; Ord. No. 680, § 1, 10-10-61; Code 1965, § 32.10)

Sec. 13-29. - Used car lots.

- (a) *Defined.* "Used car lots" as used in this section means lots or tracts of land where the principal business is the sale of used cars, even though some portion of the business activities consists of the sale of new cars or equipment.
- (b) *Building.* A building containing a sales room and offices may be maintained, but no servicing, repairing or storage within a building shall be permitted on the premises.
- (c) *Display of vehicles.* Vehicles on display must be kept in orderly rows and none may be displayed nearer than fifty (50) feet to the adjacent street pavement curb. The word "pavement" shall include surfaced shoulders of roads and streets, whether surfaced with the same material as the principal portion of the roadway or not. No wrecked or obviously damaged or dismantled automobiles or other vehicles shall be permitted or kept on the premises for more than twelve (12) hours.

(Ord. No. 661, § 2, 5-16-61; Code 1965, § 32.11)

Sec. 13-30. - Display of motor vehicles.

No new or used automobiles may be displayed or offered for sale on any vacant lot or on the premises of any filling station, garage, repair shop or upon any other premises unless a license for the operation of an automobile sales room or a used car lot has been issued under special permit from the board of aldermen in the manner provided in the zoning regulations.

(Ord. No. 661, § 7, 5-16-61; Code 1965, § 32.16)

Cross reference— Zoning, Ch. 26.

Sec. 13-31. - Auto wrecking or dismantling yards.

No auto wrecking yard or place where automobiles are dismantled, or portion thereof, shall be established, maintained or operated within two hundred (200) feet of any street within the city unless it is screened from the street by tight board or other screen fence of sufficient height to screen all the wrecked, disabled or dismantled automobiles or parts thereof kept therein, from the view of persons using such road on foot or in vehicles in the ordinary manner.

(Ord. No. 661, § 6, 5-16-61; Code 1965, § 32.15)

State Law reference— Junkyards, RSMo 226.650 et seq.

Sec. 13-32. - Display of merchandise outside buildings.

No tires, equipment, appliances, fixtures or other merchandise may be kept, maintained or displayed for sale outside of the building in which the proprietor conducts his business and in which the principal portion of his stock of merchandise is kept and sold; provided, that these regulations shall not apply in the following cases:

- (1) Automobile sales rooms, used car lots, other vehicle sales and businesses where the nature of the commodity is such that the principal portion of the merchandise or commodities for sale must be and usually are kept outside;
- (2) Shopping centers where the management provides areas for such displays;
- (3) Christmas trees, during the usual season;
- (4) Balled trees and shrubs and large potted plants from a nursery stock;
- (5) Automobile or other vehicle tires maintained in racks or display stands behind the front line of a main building; and
- (6) Samples, not for sale, of merchandise which may be purchased within the building; or when permitted, behind the front line of the building; provided, that such samples must be displayed within ten (10) feet of the building and must be placed on a pedestal, table, stand or in a display case reserved for such purpose and located and maintained in such manner as not to endanger any persons or property. In any case where a building in which sales are made is of sufficient distance behind the building or setback line to permit the display and sale of commodities between the building and the building or setback line, the board of aldermen may by special permit, granted in the manner provided for in the zoning regulation, authorize the display and sale of merchandise outdoors between the setback or building line and the front of the building.

(Ord. No. 601, § 3, 5-16-61; Code 1965, § 32.12)

Cross reference— Zoning, Ch. 26.

Sec. 13-33. - Soliciting business; noise.

No loud speaker, playing of records or noises of any kind may be employed to attract attention to businesses, but this shall not be construed to prevent shopping centers and other businesses or groups thereof from playing recorded music after business hours which does not disturb nearby residential areas, when used as a safety medium for the protection from thieves or prowlers. No solicitations shall be made by persons beckoning or calling to passers-by, whether done by persons on the streets, sidewalks or on the premises of the business for which the solicitation is made, or any nearby place.

(Ord. No. 661, § 4, 5-16-61; Code 1965, § 32.13)

Sec. 13-34. - Parking and drive-in areas.

- (a) All parking lots and drive-ins as defined in section 14-164, and all driveways of tourist courts, motels, hotels and multiple-family dwellings and entrance drives into garages, repair shops and other mercantile businesses and commercial and industrial establishments shall be paved with concrete or black top according to the specifications of the public works department of the city, or, if none, then according to the minimum standards provided by the highway department of the county for county streets. No chat, gravel, rock or dirt surfaces shall be permitted for such surfacing, excepting that in the case of new construction the director of public works may, by permit, authorize rock and chat surfaces during a reasonable settling period not to exceed four (4) months.
- (b) The surface of all parking lots and drive-ins shall be maintained in a safe manner. All holes or cracks that develop in said surface shall be filled with the appropriate materials surrounding said hole or crack or that approved by the director of public works. All holes or cracks of a sufficient size to cause a threat of possible injury to the public shall be barricaded until such time as said holes or cracks can be filled and the surface returned to its normal condition.
- (c) The director of public works shall cause periodic inspections to be made of all said parking lots and drive-ins in the city. On finding a violation of this section the owners and lessees of said premises shall be given thirty (30) days' written notice to correct said violation. Said owners and lessees allowing said premises to remain in violation of this section after thirty (30) days' written notice shall be prosecuted as provided by this Code.

(Ord. No. 661, § 5, 5-16-61; Code 1965, § 32.14; Ord. No. 1275, § 1, 6-22-71)

Sec. 13-34.5. - Drive-in theaters.

The following regulations shall apply to any drive-in theater now or hereafter located in the City.

- (1) Drive-in theaters shall be permitted during the 1986 season only to show a maximum of two (2) features on any day of the week, until a closing hour of not later than 2:30 a.m. After the 1986 season, a maximum of two (2) feature films may be shown on any day of the week with a closing time of not later than 1:30 a.m. The premises shall be cleared within twenty (20) minutes of the completion of the last film showing.
- (2) Any drive-in theater shall be so operated as to comply at all times with the Noise Control Code of St. Louis County, as it may be amended from time to time.
- (3) The operator of a drive-in theater shall, at least once in each twenty-four hour period, collect and dispose of all litter on the premises of the theater, including adjacent sidewalks and streets and all litter generated from the theater within one (1) block surrounding it, including adjacent sidewalks and streets and including private property at the request of the owner of such property, and shall dispose of same in authorized receptacles in compliance with the requirements of Chapter 23 of this Code.

- (4) Each boundary of the property on which a drive-in theater is located, which abuts residential property, shall be fenced with a solid masonry fence, at least six (6) feet in height and shall be landscaped with a landscaped buffer at least twenty-five (25) feet in width. The provisions of this subsection shall not be applicable to the existing drive-in theater. However, the existing drive-in theater must maintain fences and landscaping in good condition.
- (5) No public address system shall be operated later than 10:00 p.m. or during hours when the theater is not open for business.
- (6) Every operator of a drive-in theater shall have sufficient personnel on duty at all times that the theater is in operation so as to maintain order, prevent access to or egress from the theater premises by trespassers and to deter any violations of law.

(Ord. No. 2053, § 1, 3-25-86)

Sec. 13-35. - Lights in buffer zones.

No lights or light standards shall be erected or maintained within any buffer zone established on any business or industrial property as a screen between the business or industrial uses and residential districts, except by special permit from the board of aldermen after a hearing as provided for in section 26-38(e). Any special permit granted hereunder shall be subject to such conditions and restrictions as the board may determine necessary for the welfare of the city and its inhabitants.

(Code 1965, § 32.175; Ord. No. 1429, § 1, 3-13-73)

Sec. 13-36. - Owners' lists of tenants.

- (a) All property owners of real property located in the "E" Local Business and "F" Commercial and Light Industrial Districts shall on January second and June first of each year provide the city clerk/collector with the names and addresses of all persons, firms or corporations that are tenants, sub-tenants or renters of their property.
- (b) Said list shall be certified to by the owner of said property on forms provided by the city.

(Code 1965, § 32.176; Ord. No. 1398, §§ 1, 2, 11-21-72)

Cross reference— Zoning, Ch. 26.

Sec. 13-37. - Night and Sunday business operations.

- (a) *Night work; Sundays.* No industrial plant in the city employing more than five (5) persons in or about the premises at any time shall operate more than one (1) regular shift within a twenty-four-hour period, whichever is the longer, and shall not operate between the hours of 7:00 p.m. and 7:00 a.m., nor on Sundays.
- (b) *Noise.* No construction or work involving noises, flood lights, loading or unloading of cars or trucks or operation of machinery or equipment causing noises, smoke, gas or other objectionable conditions or circumstances adversely affecting the peace and quiet of the inhabitants of the community shall be carried on from 7:00 p.m. to 7:00 a.m., nor on Sundays.
- (c) *Nuisance.* All business, commercial and industrial activities shall at all times, and particularly at night and on Sundays, be conducted so as to create no nuisance and a minimum disturbance to the community and its inhabitants. It shall be the duty of the police department to warn the operator, owner, manager or other person in charge, control or supervision of any such activities of the

conditions creating a disturbance or nuisance to the inhabitants of the city. A continuance of such conditions after such notice shall constitute a nuisance, and any person or persons causing or permitting the same shall be subject to the penalties imposed for a violation of this Code.

- (d) *Occupancy permit; conditions.* The application for occupancy permits shall require as a consideration for issuance of the permit that the applicant agree to observe the provisions of this section and no such permit shall be issued unless the applicant does so agree.
- (e) *Waiver by special permit.* the provisions of this section as to night and Sunday work may be waived or suspended by special permit by the board of aldermen for fixed or indefinite periods, and the special permit shall set forth the conditions under which the waiver or suspension is granted, to insure that the operation of the business beyond the hours mentioned in this section does not result in annoyance, inconvenience or disturbance to residential areas.
- (f) *Exceptions.* Nothing herein shall be construed to prevent watchmen, custodians or emergency repairmen from performing their duties or to prohibit office or inventory work after hours or the operation of automatic or substantially self-operating machinery or equipment which requires the attention of only a casual attendant and which cause no noise or other disturbance.

(Ord. No. 114, §§ 1—6, 10-28-52; Ord. No. 608, § 1, 9-20-60; Code 1965, § 32.18; Ord. No. 3009, § 1, 6-23-87)

Cross reference— Buildings and building regulations, Ch. 7.

Sec. 13-38. - Night work on streets.

- (a) Any person conducting a business in and upon the streets, roads and highways in the city during other than daylight hours shall wear light reflecting garments or garment so as to warn motorists of their presence on said streets, roads and highways of the city.
- (b) Any persons conducting a business after regular daylight hours must, as part of their application for a license to the city clerk/collector, submit to exhibit the kind of reflective garment to be used by them or persons in their employment.

(Code 1965, § 32.19; Ord. No. 1121, §§ 1, 2, 5-13-69)

Cross reference— Streets and sidewalks, Ch. 24.

Sec. 13-39. - Utility lines underground.

- (a) It shall be unlawful for any person to erect or construct utility poles or lines for the transmission of electricity, telephone messages or other public utility transmissions above the surface of the ground within the confines of the city.
- (b) Nothing contained in this section shall prevent the maintenance or repair of existing above ground utility poles and lines, the erection, construction and maintenance of temporary poles and lines erected in connection with construction projects in the city or the erection, construction and maintenance of utility poles and lines above the surface of the ground in the Kyla Terrace Subdivision and the Grant Farm Trails Subdivision, Plat I, or the erection of poles and lines for street lighting.
- (c) Any person who violates the provisions of this section shall be guilty of an offense, and each day of construction or maintenance shall be deemed a distinct and separate offense.
- (d) The provisions of this section shall not be applicable to electric lines having voltages of thirty-four (34) kilovolts and greater along the Missouri Pacific right-of-way in the city. This exemption shall not apply to electric lines having voltages of thirty-four (34) kilovolts and greater anywhere else within the city.

(Code 1965, § 32.20; Ord. No. 1119, §§ 1—3, 5-13-69; Ord. No. 1313, §§ 1, 2, 1-25-72)

Sec. 13-40. - Other businesses.

Any business or occupation not specifically addressed in this article shall be the subject of an application for a license under Article III of this chapter and/or a permit under section 26-38, dealing with special use permits, where required.

Secs. 13-41—13-50. - Reserved.

DIVISION 2. - TRAILER CAMPS^[2]

Footnotes:

— (2) —

State Law reference— *Manufactured home standards, RSMo Ch. 700.*

Sec. 13-51. - Notice of violations.

In the event any violation of this division is discovered, the city clerk shall give the operator of the camp notice by writing, through the mail, at the address shown on the registration record, ordering correction of the condition within ten (10) days from the date of the notice. Unless such notice is complied with, it shall be unlawful to continue operations after expiration of said ten-day period unless further time is granted by order of the mayor.

(Ord. No. V-27, § 17, 1-28-49; Code 1965, § 36.17)

Sec. 13-52. - Permit—Generally.

The board of aldermen may, by special permit, after public hearing, authorize the location of trailer camps within the city, but none shall be permitted in any single-family dwelling districts. No trailer camp shall be located within two hundred (200) feet of any permanent residential dwelling located outside the trailer camp, unless a majority of the property owners within two hundred (200) feet of the trailer camp consent in writing to the establishment of the camp.

(Ord. No. V-27, § 1, 1-28-49; Code 1965, § 36.01)

Cross reference— Zoning, Ch. 26.

Sec. 13-53. - Same—Posting.

The permit certificate shall be conspicuously posted in the office of or on the premises of the trailer camp at all times.

(Ord. No. V-27, § 16, 1-28-49; Code 1965, § 36.15)

Sec. 13-54. - Registration of camp.

- (a) Upon the issuance of any special permit for a trailer camp by the city, each operator of a trailer camp in the city shall register with the city clerk/collector, giving the name and address of the owner or operator of the camp; the number of trailers for which he has facilities, both temporary and permanent; the number of water and electric outlets; the number of toilets; and a description of service buildings. He shall procure a permit for the operation of the camp for which he shall pay an annual fee of seven dollars (\$7.00) for each permanent trailer yard and five dollars (\$5.00) for each temporary trailer yard. In the case of a trailer camp commencing operations after January first of any year, a pro rata amount shall be paid for each permanent and temporary trailer yard, and in no case shall any operator provide facilities for more trailers than the number of yards for which he has paid

for. If additional yards are established in a camp after January first of any year, the owner or operator shall immediately apply for, pay for and take out an additional permit before permitting any trailers on such yards.

- (b) Any person failing to register or to take out a permit on January first or before commencing operations of a trailer camp if opened after January first, shall for the first thirty (30) days of delinquency pay a penalty of five (5) per cent and for each month thereafter ten (10) per cent, and in the event of his failure to register and pay his permit fees within ninety (90) days after the date due hereunder it shall be unlawful for him to continue operation of the camp thereafter.

(Ord. No. V-27, § 6, 1-28-49; Ord. No. 119, § 1, 12-16-52; Code 1965, § 36.05)

Sec. 13-55. - Number of trailers.

No trailer camp within the limits of the city shall be permitted to maintain more than thirty (30) trailers at a time on the premises, whether occupied or not. This limitation may be waived by special permit from the board of aldermen in cases where a trailer camp has been in existence for a period of at least one (1) year and has conducted its business in conformity with all of the provisions of this article, and there has been no record of nuisance or breach of the peace in connection with the operation of the camp.

(Ord. No. V-27, § 3, 1-28-49; Ord. No. 25, § I, 1-10-50; Code 1965, § 36.02)

Sec. 13-56. - Yards.

- (a) Trailer yards for temporary or transient use shall have an area of at least one thousand (1,000) square feet, with a minimum width of twenty-five (25) feet, and trailer yards for permanent trailers shall have an area of at least one thousand two hundred fifty (1,250) square feet, with a minimum width of thirty (30) feet.
- (b) "Temporary or transient trailers" are defined to be those for which accommodations are rented for not more than seven (7) days, and no trailer shall be permitted to remain on a temporary or transient trailer yard for more than that period of time.
- (c) "Permanent trailer yards" are herein defined to be those yards which are rented for an indefinite period of time.
- (d) There shall not be more than one (1) temporary trailer yard for each four (4) permanent yards, and nothing herein shall be construed to prohibit an owner or operator from renting a permanent yard for temporary purposes.
- (e) Trailer yards must be arranged in rows, facing an all-weather driveway at least twenty (20) feet wide with unobstructed access to a public street. No trailer may be placed within five (5) feet of any trailer yard line or within fifteen (15) feet of any street, alley or property line, and no building or other structure shall be placed in this fifteen-foot zone.

(Ord. No. V-27, § 7, 1-28-49; Ord. No. 119, § 1, 12-16-52; Code 1965, § 36.03)

Sec. 13-57. - Water.

Trailer camps must have a sufficient supply of approved running water for drinking purposes conveniently located for use as follows: The water supply shall be obtained from faucets only. Cold water faucets shall be located on each trailer space. Hot water shall be provided at all times in service buildings for bathing, washing and laundry facilities.

(Ord. No. V-27, § 5, 1-28-49; Code 1965, § 36.04)

Sec. 13-58. - Sanitation facilities.

Each trailer camp shall be provided with toilets, baths or showers, slop sinks and other sanitation facilities which shall conform to the following requirements:

- (1) Toilet facilities for men and women shall be either in separate buildings at least twenty (20) feet apart, or shall be separated, if in the same building, by a soundproof wall.
- (2) Toilet facilities for women shall consist of not less than one (1) flush toilet for every ten (10) trailer coach spaces, one (1) shower or bathtub for every ten (10) trailer coach spaces and one (1) lavatory for every fifteen (15) trailer coach spaces. Each toilet, shower and bathtub shall be in a private compartment.
- (3) Toilet facilities for men shall consist of not less than one (1) flush toilet for every fifteen (15) trailer coach spaces, one (1) shower or bathtub for every ten (10) trailer coach spaces, one (1) lavatory for every ten (10) trailer coach spaces and one (1) urinal for every fifteen (15) trailer coach spaces. Each toilet, shower and bathtub shall be in a private compartment.
- (4) Service buildings housing the toilet facilities shall be permanent structures complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems, and shall be located not closer than ten (10) feet nor farther than two hundred (200) feet from any trailer coach space.
- (5) Each service building shall contain at least one (1) slop sink for each sex located in a separate compartment.
- (6) The service buildings shall be well lighted at all times of the day or night, shall be well ventilated with screened openings, shall be constructed of such moistureproof material, including painted woodwork, as shall permit repeated cleaning and washing and shall be maintained at a temperature of at least sixty-eight (68) degrees Fahrenheit during the period from October first to May first. The floors of the service buildings shall be of a water impervious material and shall slope to a floor drain connected with the sewage system.
- (7) All service buildings and the grounds of the park shall be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any occupant or the public or constitute a nuisance.

(Ord. No. V-27, § 8, 1-28-49; Code 1965, § 36.06)

Sec. 13-59. - Individual trailer sewer facilities.

Where all available trailer spaces in a trailer camp are equipped with sanitary sewer drainage facilities, having separate connections for each trailer on the premises, and connections for a supply of approved water are available for each trailer, and such facilities are approved by the public works department, the provisions of this article requiring separate toilet facilities shall not be applicable, but in such cases it shall be unlawful to permit any trailer on the premises which is not equipped for connections to such sanitary sewer drainage facilities and to such water supply, and it shall be unlawful to permit any trailer on the premises which is not so connected. No existing common toilet facilities as required by this division shall be discontinued, abandoned or removed until the public works department has made a thorough inspection of the premises and certifies in writing to the city clerk/collector that permission has been granted to the operator of the trailer court to discontinue such common or public toilet facilities.

(Ord. No. 731, § 1, 5-15-62; Code 1965, § 36.07)

Cross reference— Sewers, Ch. 21.

Sec. 13-60. - Laundry facilities.

The laundry facilities of a trailer camp shall be provided in the ratio of one (1) double laundry tub and ironing board for every fifteen (15) trailer coach spaces. An electrical outlet supplying current sufficient to operate an iron shall be located conveniently near the ironing board. Drying spaces shall be provided sufficient to accommodate the laundry of the trailer coach occupants. The service building housing the laundry facilities shall be a permanent structure complying with all applicable ordinances and statutes regulating buildings, electrical installations and plumbing and sanitation systems.

(Ord. No. V-27, § 9, 1-28-49; Code 1965, § 36.08)

Sec. 13-61. - Sewage and refuse disposal.

Waste from showers, bathtubs, toilets, slop sinks and laundries in trailer camps shall be discharged into a public sewer system in compliance with applicable ordinances or into a private sewer and disposal plant or septic tank system of such construction and in such manner as will present no health hazard. All kitchen sinks, washbasins, bath or shower tubs in any trailer coach harbored in any park may empty into a sanitary sink drain located on the trailer coach space.

(Ord. No. V-27, § 10, 1-28-49; Code 1965, § 36.09)

Sec. 13-62. - Garbage.

Tightly covered containers, constructed as required in Chapter 23, shall be provided in a trailer camp in quantities adequate to permit disposal of all garbage and rubbish. Garbage containers shall be located not farther than one hundred (100) feet from any trailer coach space. The containers shall be kept in sanitary condition at all times. Garbage and rubbish shall be collected and disposed of as frequently as may be necessary to insure that the garbage containers shall not overflow.

(Ord. No. V-27, § 11, 1-28-49; Code 1965, § 36.10)

Sec. 13-63. - Fire protection.

A trailer camp shall be equipped at all times with one (1) two-and-one-half-gallon soda acid type fire extinguisher in good working order for every ten (10) trailer coach spaces located not farther than two hundred (200) feet from each trailer coach space. No open fires shall be permitted at any place which would endanger life or property. No fires shall be left unattended at any time.

(Ord. No. V-27, § 12, 1-28-49; Code 1965, § 36.11)

Cross reference— Fire prevention and protection, Ch. 9.

Sec. 13-64. - Pet animals.

No owner or person in charge of any dog, cat or other pet animal shall permit it to run at large or commit any nuisance within the limits of any trailer camp.

(Ord. No. V-27, § 13, 1-28-49; Code 1965, § 36.12)

Cross reference— Animal control code, Ch. 6.

Sec. 13-65. - Register of occupants.

- (a) It shall be the duty of the trailer camp licensee to keep a register containing a record of all trailer coach owners and occupants located within the camp. The register shall contain the following information:
 - (1) The name and address of each occupant;
 - (2) The make, model and year of all automobiles and trailer coaches;
 - (3) The license number and owner of each trailer coach and the automobile by which it is towed;
 - (4) The state issuing such licenses; and
 - (5) The dates of arrival and departure of each trailer coach.
- (b) The trailer camp shall keep the register available for inspection at all times by law enforcement officers, public health officials and other officials whose duties necessitate acquisition of the information contained in the register. The register records shall not be destroyed for a period of three (3) years following the date of registration.

(Ord. No. V-27, § 14, 1-28-49; Code 1965, § 36.13)

Sec. 13-66. - Inspection of facilities.

No trailer camp shall commence operations until the plumbing and electric wiring have been duly inspected and approved by the proper officers of the city and until the sanitary facilities have been inspected and approved by the county health authorities or the proper health authorities of the city. The officers and agents of the city shall have the right to go upon the premises of any trailer camp at all reasonable times for the purpose of inspecting the same.

(Ord. No. V-27, § 15, 1-28-49; Code 1965, § 36.14)

Secs. 13-67—13-80. - Reserved.

DIVISION 3. - GASOLINE FILLING STATIONS^[3]

Footnotes:

— (3) —

State Law reference— *Inspection of oils, RSMo Ch. 414.*

Sec. 13-81. - Definitions.

Terms used in this division have the following meanings:

Car wash room: A room operated as an incident to the major business of selling gasoline, motor oil and lubricants, in which cars are manually washed or polished as distinguished from the places properly known as "quick auto washes."

Filling station: The business of selling gasoline, motor oil and lubricants, automobile accessories and tires, in connection with which lubricating racks and car wash rooms may be maintained and operated, and incidental sales of merchandise may be made.

Incidental sales: The selling of cigarettes, tobacco, cold drinks, kerosene, heating oil and small articles of merchandise other than standard automobile accessories, which may be displayed in showcases, indoor shelving or vending machines.

(Ord. No. 646, § 1, 2-21-61; Code 1965, § 35.01)

Sec. 13-82. - Permit—Required.

No person shall operate a filling station in the city without a special permit therefor as provided in the zoning regulations. A special permit authorizing the operation of a filling station shall be limited to the conduct of the business of a filling station.

(Ord. No. 646, § 2, 2-21-61; Code 1965, § 35.01)

Cross reference— Zoning, Ch. 26.

Sec. 13-83. - Same—Revocation.

In addition to the penalties provided for violation of this Code, the board of aldermen may suspend or revoke the occupancy permit of any person violating this division and may suspend or revoke the permit of such person to do business.

(Ord. No. 314, § 8, 7-24-56; Code 1965, § 35.14)

Sec. 13-84. - Outdoor merchandise display.

No tires or other merchandise may be displayed at a filling station in outdoor racks, except a limited quantity of samples which must be displayed within ten (10) feet of the building. No premiums, souvenirs or sales promotion merchandise other than a limited quantity of samples may be displayed outside the building of any filling station.

(Ord. No. 646, §§ 3, 6, 2-21-61; Code 1965, § 35.03)

Sec. 13-85. - Fuel tanks.

All gasoline tanks must be underground and oil, lubricant and kerosene drums or tanks of a filling station shall be inside the building. Heating oil may be sold from a small elevated outdoor tank.

(Ord. No. 646, § 4, 2-21-61; Code 1965, § 35.04)

Sec. 13-86. - Limitation of business.

- (a) A permit to operate a filling station does not authorize the display, leasing or selling of used or new automobiles, house or camping trailers, tractors, graders or other motor vehicles, boats, canoes or outboard motors, or the business of wrecking or dismantling automobiles or other vehicles, or repair shops.
- (b) By special permit, after hearing before the board of aldermen in the manner and subject to the rules provided for special permits under section 26-38, the following additional business may be conducted under such conditions as the board of aldermen shall determine are necessary for the welfare and protection of the public:
 - (1) The rental of small hauling trailers which are ordinarily attached to passenger cars;
 - (2) The sale of diesel fuel;
 - (3) The leasing or sale of other merchandise or commodities than those included in the definitions of "filling station" and "incidental sales."
- (c) The prohibition against operating a repair shop shall not be construed to prevent the removing, repair and installation of tires, spark plugs and accessories sold on the premises, or to prevent motor tuning or minor adjustments and repairs to motor vehicles as customary in the filling stations for the accommodation of customers.

(Ord. No. 646, §§ 5, 12, 2-21-61; Code 1965, § 35.05)

Sec. 13-87. - Lavatories.

Toilets and washrooms maintained in connection with a filling station shall be kept clean and sanitary at all times and shall be thoroughly cleaned at the close of business each day.

(Ord. No. 646, § 7, 2-21-61; Code 1965, § 35.06)

Sec. 13-88. - Fire inspections.

All filling stations shall be regularly inspected by the fire chief, and the owner, operator or person in charge shall comply with all lawful requirements of the fire chief and provisions of the fire prevention code.

(Ord. No. 646, § 9, 2-21-61; Code 1965, § 35.07)

Cross reference— Fire prevention and protection, Ch. 9.

Sec. 13-89. - Cleaning premises.

It shall be the duty of the owner or operator of the business to thoroughly police the grounds at the close of each business day and pick up and deposit in cans or receptacles all refuse, bottles and discarded containers, which shall be promptly removed from the premises. It shall be the duty of the owner and operator of a filling station to keep and maintain their driveways and parking areas in good condition and free from dust, mud, rubbish and oil.

(Ord. No. 314, § 4, 7-24-56; Ord. No. 646, § 10, 2-21-61; Code 1965, § 35.08)

Sec. 13-90. - Soliciting business.

No solicitation for car washing or other services or sales shall be made at a gasoline filling station by persons beckoning or calling to passersby or by loudspeakers or other noise making contrivances.

(Ord. No. 646, § 11, 2-21-61; Code 1965, § 35.09)

Sec. 13-91. - Occupation tax.

Filling stations shall be subject to the occupational license tax under Article III of this chapter.

(Ord. No. 646, § 14, 2-21-61; Code 1965, § 35.10)

Sec. 13-92. - Driving surfaces.

- (a) The driveways and parking areas of a filling station shall be surfaced with blacktop, asphalt or concrete according to specifications to be prepared by the director of public works. Copies of the specifications shall be filed with the city clerk/collector.
- (b) The filling stations in the city having driveways or parking areas which are not surfaced in accordance with such specifications shall be allowed thirty (30) days after receipt of notice from the director of public works setting forth the specifications, for such driveways and parking areas, in which to surface the driveways and parking areas in accordance with the specifications.
- (c) No building permit for a filling station shall be issued unless the plans call for construction of hard surfaced driveways and parking areas. No filling station constructed after September 25, 1956, shall be granted an occupancy permit or be issued a license to operate until the driveways and parking areas have been approved by the director of public works.

(Ord. No. 314, § 2, 7-24-56; Ord. No. 332, § 1, 9-25-56; Code 1965, § 35.11)

Sec. 13-93. - Parking.

- (a) The driveways and parking areas of filling stations shall be used only for ingress and egress and the temporary parking of vehicles being serviced, and shall not be used for overnight parking or storage of vehicles except those temporarily disabled or out of commission.
- (b) No filling station shall permit trucks, tractors or trailers, or any combination thereof, to park more than two (2) hours upon the premises for which the license to operate filling station applies, and no such areas shall be used for overnight parking of such vehicles or as rest-stops for the drivers or crews of such vehicles.

(Ord. No. 816, § 1, 4-28-64; Code 1965, § 35.12)

Sec. 13-94. - Lights.

- (a) Filling stations maintaining electric lights after 11:00 p.m., whether the filling station is open for business or not, shall, between 11:00 p.m. and 7:00 a.m. the next morning, reduce the number of lights or provide shields or other means of reducing the glare from the lights between 11:00 p.m. and 7:00 a.m. as aforesaid, so as to avoid disturbing nearby residents.
- (b) It shall be the duty of the director of public works to investigate any complaints as to the condition of lights in filling stations after 11:00 p.m. and to specify corrective measures to be taken, if any are required. Such specifications shall be given in writing and a copy thereof shall be filed with the board of aldermen and shall include a time limit for compliance. It shall be the duty of all owners and operators of filling stations to comply with such specifications concerning lights within five (5) days from the date the written specifications are delivered to any person in charge of the premises.

(Ord. No. 314, §§ 5, 6, 7-24-56; Code 1965, § 35.13)

Secs. 13-95—13-105. - Reserved.

DIVISION 4. - COIN-OPERATED MACHINES

Sec. 13-106. - Definitions.

For the purpose of this division, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Amusement center or arcade: Any establishment wherein there are more than three (3) mechanical amusement devices permitted to operate.

Business establishment: Any place, inside or outside of a building, where any business or occupation licensed by the city is conducted, as well as all parts of the building.

Enclosed mall shopping center: An enclosed mall shopping center of at least seven hundred fifty thousand (750,000) square feet of leasable retail area and on land of not less than forty-five (45) acres in size, wherein multiple retail sales areas are leased to independent retail tenants from one (1) shopping center owner or lessor.

Machine: Any coin-operated machine, table or device used for vending merchandise, rendering a service or providing amusement, excluding telephones.

Mechanical amusement device: Any machine, device or game which, upon the insertion of a coin, slug, token, plate or disc, permits a person or operator to use the device as a game, contest of skill or amusement, whether or not registering a score, which may cause a person or operator of the same to

secure some amusement, enjoyment or entertainment, and which is not a gambling device. It shall include, but not be limited to, such devices as electronic or mechanical game machines, pinball machines, skill ball, bowling machines or any other mechanical or electronic games or operations similar thereto under whatever name they may be indicated.

Retail commercial establishment: Any place, inside or outside of a building, where any retail commercial establishment or occupation licensed by the city is operated, and including the entire lot, or tract of land, on which the retail commercial establishment is operated, as well as all parts of the building.

Supervisor: A person who supervises, superintends, manages or is in charge of an amusement center and arcade.

(Ord. No. 1875, § 1, 9-14-82; Ord. No. 1943, § 1, 11-22-83; Ord. No. 3186, § 1, 4-23-91)

Sec. 13-107. - License required; fee.

Mechanical amusement devices shall be subject, in addition to any other fees or licenses paid by the owner thereof, to an annual license or sticker fee of one hundred dollars (\$100.00) for mechanical amusement devices, and ten dollars (\$10.00) for all other coin-operated machines.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-108. - Refusal to issue or renew license generally.

The city clerk/collector shall refuse to approve issuance or renewal of a license for one (1) or more of the following reasons:

- (1) A false statement as to a material matter made in an application for a permit;
- (2) Revocation of a license, pursuant to this division, of the applicant or corporate officer of the applicant within two (2) years preceding the filing of the application; or
- (3) The applicant for such license has, within the past ten (10) years, been convicted of a crime involving moral turpitude.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-109. - Indebtedness to city.

The city clerk/collector shall not issue or renew a license under this division and shall suspend or cancel a permit if it is determined that the applicant or permittee is indebted to the city for any fee, costs, penalties or delinquent taxes.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-110. - Nature of permit.

A permit issued under this division:

- (1) Is effective for a single place of business only;
- (2) Vests no property right in the licensee except to maintain, display for public patronage and permit the use, for skill or pleasure, of coin-operated gaming machines in accordance with the terms and conditions of this division; and
- (3)

Shall not be assignable or transferable, except where the machine is replaced and the remainder of the sticker previously issued is delivered to the city clerk/collector at the time application for the replacement sticker is made.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-111. - Display.

The license or sticker issued by the city clerk/collector in the case of coin-operated amusement devices and coin-operated vending machines shall be affixed to each device or machine.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-112. - Replacement of permit.

A replacement permit may be issued for a machine which has been replaced by another machine or for a sticker lost, destroyed or mutilated, upon application on a form provided by the city clerk/collector.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-113. - Suspension; revocation.

- (a) The board, after notice to the licensee and a public hearing, may suspend or revoke a license theretofore issued by the city clerk/collector, if it finds one (1) or more of the following:
- (1) Intentional misstatements, or misleading statements, of fact in the application, not discovered until after the issuance of such license;
 - (2) Revocation of a license, pursuant to this division, of the applicant or corporate officer of the applicant within two (2) years preceding the filing of the application;
 - (3) Permitting conduct on the licensed premises which would constitute a violation of any state statutes or provisions of this Code or other city ordinances;
 - (4) The applicant for such license has, within the past ten (10) years, been convicted of a crime involving moral turpitude; or
 - (5) Violations of this division.
- (b) In the event the board deems necessary the suspension or revocation of the license, the licensee shall have a period of ten (10) days following such finding to request a hearing before the board. Such hearing shall be held no later than thirty (30) days following the notice of such finding, and upon written notice duly given the licensee by the board at least ten (10) days prior to the date of such hearing. The complaints of the board, and the reasons therefor, shall be sent by certified mail, or hand delivered, to the licensee.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-114. - Renewal.

- (a) Within thirty (30) days of the expiration of the license, a licensee shall apply to the city clerk/collector for renewal thereof, on such application form as shall be provided by the city.
- (b) Renewal applications shall contain the name, address and license number of the licensee's operation, and the licensee shall indicate any changes from the information furnished to the city at the time of the original application.
- (c) An application for renewal shall be accompanied by an annual license fee of one hundred dollars (\$100.00) for each mechanical amusement device, and ten dollars (\$10.00) for each other coin-operated machine.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-115. - Term; proration.

All licenses issued pursuant to this division shall be for a term of one (1) year, ending on March thirty-first of each year, unless suspended or cancelled earlier. Licenses issued during such one-year term shall not be prorated.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-116. - Inspections; notice of violations.

- (a) All coin-operated amusement devices and machines, and all premises on which such devices and machines are maintained or exhibited, shall be open to inspection by the police department.
- (b) If the chief of police shall have reason to believe that any licensee of a coin-operated vending machine is guilty of a violation of, or the failure to comply with, any of the provisions of this division or other ordinances of the city relating to the licensing and exhibiting of such machines and devices, the chief of police shall give notice to the licensee of such violations. If the licensee has not, within five (5) days of such notice, ceased such violation, the chief of police shall immediately cause a summons to be issued for the violation of this division, or any other ordinance, relating to the licensing, or exhibiting, of such machines and devices, said summons to be issued to the licensee or licensees.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-117. - Amusement center or arcade permitted; when.

- (a) Amusement centers or arcades may be permitted in the city by special permit of the board of aldermen after appropriate review and recommendation by the planning and zoning commission, but only upon the following conditions being present, or met, by the applicant:
 - (1) The premises to be utilized as an amusement center or arcade must be part of a retail commercial establishment where not more than twenty-five (25) per cent of the available retail commercial space is allocated to said amusement center or arcade, and where the gross receipts of said amusement center or arcade do not exceed twenty-five (25) per cent of the total gross receipts of such retail commercial establishment; or such premises must be located within an enclosed mall shopping center where access to the amusement center or arcade is only from an interior or enclosed part of said enclosed mall shopping center.
 - (2) The hours of operation of any such amusement center or arcade shall conform to the hours of operation of the retail commercial establishment of which it is a part, unless otherwise provided for in the ordinance granting zoning approval for such amusement center or arcade.
 - (3) The parking facilities for said amusement center or arcade shall be specifically reviewed by the planning and zoning commission and the board of aldermen as they relate to the present parking available for the retail commercial establishment, and the impact of possible additional parking needs which are generated by the addition of the amusement center or arcade. Parking for the entire retail establishment with the amusement center or arcade shall be specifically found to be adequate, or made adequate, by the planning and zoning commission and the board of aldermen.
 - (4) At least one (1) supervisor of at least twenty-one (21) years of age, employed by the operator, shall be on duty at all times the premises are open to the public and shall be present on the premises.

(b)

No person shall be employed in a supervisory position in an amusement center or arcade who is under the age of twenty-one (21) years, or who has been convicted of any violation of any statute, or any provision of this Code or other ordinance involving moral turpitude, or any felony.

- (c) Prior to employing any person in a supervisory position, the operator shall submit the name of such person and such other information as may be required to the police chief, who shall determine whether such person has been so convicted and shall notify the operator thereof.

(Ord. No. 1875, § 1, 9-14-82; Ord. No. 1943, § 2, 11-22-83; Ord. No. 3186, § 1, 4-23-91)

Sec. 13-118. - Proximity to schools and residential zones.

It shall be unlawful for any owner or proprietor of a mechanical or electronic game to cause, permit or allow same to be located, operated or maintained to be operated within one thousand (1,000) feet of the nearest street entrance to or exit from any public playground or public or private school of elementary or high school grades, nor within three hundred (300) feet of any church or residential zone; said distance to be measured from said entrance or exit in the most direct line or route on, along or across said street or streets adjacent to said public playground or public or private school of elementary or high school grades or church or residential zone; provided that the restrictions established under this section shall not apply to a business located within an enclosed mall shopping center where access to the amusement center or arcade is only from an interior or enclosed part of said enclosed mall shopping center.

(Ord. No. 1875, § 1, 9-14-82; Ord. No. 3186, § 1, 4-23-91)

Sec. 13-119. - Operation.

All mechanical and electronic games must be visible. The entrance must be unlocked during all times that the premises in question are open for business.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-120. - Report; registration of machines.

Every business establishment, individual proprietor or other person having any machine on his premises shall make a report to the city clerk showing:

- (1) The type of machine;
- (2) The coin used to operate such machine and, if it is a pinball machine or other mechanical amusement device, whether it is capable of taking more than one (1) coin per game; and
- (3) The name and address, so far as known, of the person owning such machine.

(Ord. No. 1875, § 1, 9-14-82)

Sec. 13-121. - Alcoholic beverages; drugs.

No intoxicating beverages, nonintoxicating beer, drugs or other controlled substances shall be permitted anywhere on the premises of any business defined and subject to this division, unless, in the case of alcoholic beverages, such premises have been licensed to dispense alcoholic beverages.

(Ord. No. 1875, § 1, 9-14-82)

Cross reference— Alcoholic beverages, Ch. 5.

Sec. 13-122. - Gambling.

No gambling as prohibited by state law shall be allowed on the premises.

(Ord. No. 1875, § 1, 9-14-82; Ord. No. 3186, § 1, 4-23-91)

Secs. 13-123—13-135. - Reserved.

DIVISION 5. - AUCTIONS^[4]

Footnotes:

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State Law reference— *Public auctioneers, RSMo Ch. 343; power of city to license auctioneers, RSMo 94.270.*

Sec. 13-136. - Scope.

- (a) No goods, wares, merchandise or other personal property shall be sold at auction in the city except in compliance with the provisions of this division.
- (b) This division shall not apply to auction sales conducted under any judicial order, process or authority, nor to action sales not conducted for business or personal profit by any benevolent charitable or religious organization.

(Ord. No. 643, §§ 1, 2, 2-21-61; Code 1965, § 33.01)

Sec. 13-137. - License required; types.

- (a) It shall be unlawful for any person to sell or cause or permit to be sold at auction any goods, wares, merchandise or other personal property in the city unless such sale is conducted by an individual who has applied for and obtained an auctioneer's license. Any auctioneer holding an auction in the city shall be considered to be maintaining a business office in the city.
- (b) Licenses shall be of two (2) types, namely:
 - (1) Annual licenses, which may be granted or renewed for any period of time not exceeding one (1) year, upon payment by the applicant of the fees and upon the filing of a bond as provided in this division; and
 - (2) Temporary licenses, which may be issued for isolated sales to be completed within ten (10) days from the date of issuance of the license.

(Ord. No. 643, §§ 3, 4, 2-21-61; Code 1965, § 33.02)

State Law reference— Auctioneers, license fee, RSMo 71.620.

Sec. 13-138. - Annual license.

No annual license shall be issued under this division except under special permit from the board of aldermen in the manner provided in the zoning regulations, with a hearing before the board of aldermen. Before the board of aldermen shall issue a permit, it shall refer the application to the chief of police, who shall cause to be made such investigation of the applicant's moral character and business responsibility as he deems necessary for the protection of the public good. Special permits shall be granted for a period of not more than one (1) year, but after the initial granting, may be renewed by the city clerk/collector from year to year without an investigation by the chief of police, if the city clerk/collector determines that the applicant has complied with all of the ordinances of the city and the terms of the special permit. Such renewal shall be deemed an extension of the special permit, and its terms and conditions shall remain in force.

(Ord. No. 643, § 5, 2-21-61; Code 1965, § 33.03)

Cross reference— Zoning, Ch. 26.

Sec. 13-139. - Application for license.

The application for an annual or temporary auctioneer's license shall require such information as the city clerk/collector may require, including the following:

- (1) The name of the applicant;
- (2) The residence and business address of the applicant;
- (3) The length of time for which the license is desired;
- (4) A statement as to other licenses held by the applicant, or formerly held by him; information as to whether any governing body or licensing authority has failed to issue or renew an auctioneer's license to the applicant, with an explanation thereof; and information as to whether any governing body or licensing authority has ever revoked an auctioneer's license held by the applicant, with a full statement pertaining thereto;
- (5) A statement as to whether the applicant has ever been convicted of any crime, and if so, the nature of the offense and the punishment;
- (6) A photograph of the applicant, taken within sixty (60) days prior to the date of the filing of the application, which picture shall be two (2) inches by two (2) inches showing the head and shoulders of the applicant in a clear and distinguishing manner; except that this requirement shall be waived in an application for the renewal of an annual license, and the city clerk/collector may waive it in the case of an application for a temporary license; and
- (7) The names of at least two (2) reliable property owners of the county who will certify to the applicant's good moral character; and the name of a bank in the county where the applicant has an active account. This provision may be waived on the application for renewal of a license in the discretion of the city clerk/collector. The city clerk/collector is authorized to obtain references from the property owners and bank and if the facts obtained warrant it in his opinion, he shall report thereon to the board of aldermen.

(Ord. No. 643, § 7, 2-21-61; Code 1965, § 33.04)

Sec. 13-140. - Bond.

- (a) Every applicant for an auctioneer's annual license shall file with the city clerk/collector a surety bond, running to the city, with corporate surety, in the amount of one thousand dollars (\$1,000.00), conditioned that the said applicant with surety will comply with all of the ordinances of the city and laws of the state concerning auctions and auctioneers; will render true and strict accounts of all his sales to any person or persons employing him to make the same; will not practice any fraud or deceit upon bidders or purchasers of property from him at any auction sale or suffer or permit any person in his employ to practice any such fraud or deceit, and will pay all damages which may be sustained by reason of any fraud, deceit, negligence or other wrongful act on the part of the licensee, his agent or employees, in the conduct of any auction or in the exercise of the calling of the auctioneer.
- (b) In the case of applicants for a temporary license, the city clerk/collector may accept a cash deposit or cashier's check, payable to the city, in an amount of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), as in his judgment may be necessary for the protection of the public, as security for the bond of the applicant without sureties thereon. If no claims are made against such deposit within thirty (30) days, it shall be returned to the applicant, or may be returned sooner under order of the board of aldermen.

(Ord. No. 643, § 9, 2-21-61; Code 1965, § 33.05)

Sec. 13-141. - Fees.

(a) The license fees for temporary licenses shall be:

Ten dollars (\$10.00) for the first day of each sale; and

Five dollars (\$5.00) for each day the sale continues thereafter, until completed.

(b) License fees for annual licenses shall be two dollars (\$2.00) per one thousand dollars (\$1,000.00) sales made at any store, stand or place maintained by the licensee for that purpose within the city, and on all isolated sales within the city conducted by the licenseholder, including the amount of sales conducted on the premises of the owners of auctioned property. The minimum license fee shall be at the rate of fifty dollars (\$50.00) per year or portion of a year. The first fee shall be on an estimated basis as in the case of merchants, manufacturers and business occupations licenses. In addition, holders of annual licenses shall pay a tax of three dollars (\$3.00) per one thousand (\$1,000.00) on the true value of the largest amount of goods, wares and merchandise consigned to the licenseholder or on hand between March first and May thirty-first of each year at such store, stand or place in the city. Merchandise on hand belonging to the licenseholder and held for sale, and goods, wares and merchandise consigned to the licenseholder and not sold within ninety (90) days after date of delivery to him, shall be deemed to be part of the goods, wares and merchandise of the licenseholder for the purposes of this tax.

(Ord. No. 643, § 13, 2-21-61; Code 1965, § 33.06)

Sec. 13-142. - Revocation of license.

(a) An auctioneer's annual license may be revoked, or an application for license refused, or a license may be suspended for a fixed term by the board of aldermen, after hearing upon at least five (5) days' notice if the board determines that:

- (1) The applicant or licenseholder is not of good moral character and business responsibility;
- (2) The application contains any false, fraudulent or misleading material statement;
- (3) The applicant or licenseholder has made any false, fraudulent or misleading material statement in the course of conducting an auction sale or in offering property for sale at auction;
- (4) The applicant or licenseholder has perpetrated a fraud upon any person, whether or not such fraud was perpetrated in the conduct of an auction in the city;
- (5) The applicant or licenseholder has violated any of the statutes of the state relating to auctions or auctioneers;
- (6) The applicant or licenseholder has been convicted of any crime or misdemeanor involving moral turpitude; or
- (7) The applicant or licenseholder has conducted an auction sale, or offered for sale at auction, in an unlawful manner or in such manner as to constitute a breach of the peace or a menace to the health, safety or general welfare of the public.

(b) Notice of hearing under this section shall be given in writing to the applicant or licenseholder by the city clerk/collector. It may be mailed, postage prepaid, to the applicant or licenseholder at his last known address, at least five (5) days prior to the date set for hearing; or it may be personally served upon the licenseholder or applicant.

(Ord. No. 643, § 6, 2-21-61; Code 1965, § 33.07)

Sec. 13-143. - Sales on public property.

It shall be unlawful for any person to conduct an auction sale of property on any of the streets, sidewalks or public property of the city, or on any open spaces reserved for parking, drives or sidewalks in any shopping center, supermarket or other place of business.

(Ord. No. 643, § 11, 2-21-61; Code 1965, § 33.10)

Sec. 13-144. - Sales on owner's premises.

Bona fide auction sales of property may be made at the residence or place of business of the owner of the property to be auctioned under either an annual or temporary license, provided such sale is fully completed within a period of five (5) days; and in such case no property other than that of the owner of the property to be auctioned shall be included in the offerings or brought upon the premises for sale at auction or otherwise.

(Ord. No. 643, § 10, 2-21-61; Code 1965, § 33.09)

Sec. 13-145. - Time of sales.

- (a) No auction sale shall be conducted in the city on Sundays or legal holidays, and no sale may be conducted after 6:00 p.m. or before 9:00 a.m. of any day.
- (b) For good cause shown, the board of aldermen may by special permit authorize isolated or limited sales of personal property between the hours of 6:00 p.m. and 10:00 p.m., but not as a regular course of business. The special permit authorized under this section may be granted informally after hearing before the board of aldermen, without notice, or with such notice as the board may deem necessary or advisable.

(Ord. No. 643, §§ 8, 12, 2-21-61; Code 1965, § 33.08)

Secs. 13-146—13-160. - Reserved.

DIVISION 6. - SEXUALLY ORIENTED BUSINESSES AND MASSAGE BUSINESSES^[5]

Footnotes:

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Editor's note—Ord. No. 4001, § 1, adopted Sept. 26, 2006, repealed the former Div. 6, §§ 13-161—13-182, and enacted a new Div. 6 as set out herein. The former Div. 6 pertained to massage parlors and derived from Code 1965, §§ 45.01—45.10, 45.12—45.19, 45.21—45.23; Ord. No. 1482, §§ 1—19, 21—23.

Cross reference— Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9.

State Law reference— Professional physical therapists, RSMo 334.500 et seq.; professional registration, RSMo 620.100 et seq.

Sec. 13-161. - Purpose and findings.

- (a) *Purpose.* It is the purpose of this division to regulate sexually oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the city, and to establish reasonable and uniform regulations to prevent the deleterious location and concentration of sexually oriented businesses within the city. The provisions of this division have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including sexually oriented materials. Similarly, it is not the intent nor effect of this division to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this division to condone or legitimize the distribution of obscene material.

(b) *Findings.* The board of aldermen finds as follows:

- (1) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments. Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.
- (2) Certain employees of sexually oriented businesses, as defined in this division, engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.
- (3) Sexual acts occur at sexually oriented businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.
- (4) Offering and providing such space encourages such activities, which creates unhealthy conditions.
- (5) Persons frequent certain adult theaters, adult arcades, and other sexually oriented businesses for the purpose of engaging in sex within the premises of such sexually oriented businesses.
- (6) At least fifty (50) communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to, syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B amebiasis, salmonella infections and shigella infections.
- (7) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and, in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.
- (8) The findings noted in subsection (1) through (7) raise substantial governmental concerns.
- (9) Sexually oriented businesses have operational characteristics which should be reasonably regulated in order to protect those substantial governmental concerns.
- (10) A reasonable licensing procedure is an appropriate mechanism to place the burden of that reasonable regulation on the owners and the operators of the sexually oriented businesses. Further, such a licensing procedure will place an incentive on the operators to see that the sexually oriented business is run in a manner consistent with the health, safety, and welfare of its patrons and employees, as well as the citizens of the city. It is appropriate to require reasonable assurances that the licensee is the actual operator of the sexually oriented business, fully in possession and control of the premises and activities occurring therein.
- (11) Requiring licensees of sexually oriented businesses to keep information regarding current employees and certain past employees will help reduce the incidence of certain types of criminal behavior by facilitating the identification of potential witnesses or suspects and by preventing minors from working in such establishments.
- (12) The disclosure of certain information by those persons ultimately responsible for the day-to-day operation and maintenance of the sexually oriented business, where such information is substantially related to the significant government interest in the operation of such uses, will aid in preventing the spread of sexually transmitted diseases.
- (13) In the prevention of the spread of communicable disease, it is desirable to obtain a limited amount of information regarding certain employees who may engage in the conduct which this division is designed to prevent, or who are likely to be witnesses to such conduct.
- (14)

The fact that an applicant for a sexually oriented business license has been convicted of a sexually related crime leads to the rational assumption that the applicant may engage in that conduct in contravention of this division.

- (15) The barring of such individuals from the management of sexually oriented businesses for a period of years serves as a deterrent to, and prevents conduct which leads to, the transmission of sexually transmitted diseases.
- (16) The general welfare, health, morals, and safety of the citizens of the city will be promoted by the enactment of this division.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-162. - Definitions.

Adult cabaret: An establishment regularly featuring dancing or other live entertainment if the dancing or entertainment that constitutes the primary live entertainment is distinguished or characterized by an emphasis on the exhibition of specific sexual activities or specified anatomical areas for observation by patrons therein.

Adult entertainment: Any live exhibition, performance, or dance characterized by the exposure of any specified anatomical areas even if covered by translucent clothing, or by specified sexual activities, or by appearance of persons in attire, costume, or clothing so as to emphasize or expose, even through opaque clothing, the view to specified anatomical areas.

Adult media: Magazines, books, videotapes, movies, slides, cd-roms or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas.

Adult media store: An establishment that rents and/or sells adult media, and that meets any of the following three (3) tests:

- Twenty-five (25) percent or more of the gross public floor area is devoted to adult media.
- Twenty-five (25) percent or more of the stock-in-trade consists of adult media.
- It advertises or holds itself out in any forum as "XXX", "adult", "sex", or otherwise as a sexually oriented business which sells adult media.

Adult motion picture theater: An establishment containing a room with seats facing a screen or projection areas, where the business is the exhibition to customers of films, videotapes, slides or motion pictures, which are intended to provide sexual stimulation or sexual gratification to the customers and which are distinguished by or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult newsstand: A freestanding structure, vehicle or booth where twenty-five (25) percent or more of the gross public floor area offers for sale, books, magazines, periodicals, or other printed matter, which are distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas.

Adult theater: An establishment located in an enclosed building where the business is providing the live performance of activities relating to specified sexual activities or exhibition of specified anatomical areas or live performers for observation by customers and patrons

Employee: Any and all persons, including managers, entertainers and independent contractors, who work in or at or render any services directly related to the operation of a sexually oriented business.

Entertainer: Any person who provides adult entertainment at a sexually oriented business described herein, whether or not a fee is accepted for the entertainment.

Gross public floor area: The total area of the building accessible or visible to the public, including showrooms, motion pictures theaters, motion picture arcades, service areas, behind-counter areas, storage areas visible from such other areas, restrooms (whether or not labeled "public"), areas used for cabaret or similar shows (including stage areas), plus aisles, hallways, and entry ways serving such areas.

Mainstream media outlets: Mainstream media outlets are defined as any video store, bookstore or a newsstand that carries more than ten (10) percent sexually oriented material but less than twenty-five (25) percent.

Manager: Any person who manages, directs, administers, or is in charge of the affairs and for conduct of any portion of any activity involving adult entertainment occurring at any sexually oriented business.

Massage: Any method of pressure on or friction against or stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating of the external soft parts of the body with the hands or with the aid of any mechanical or electrical apparatus or applied with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparation commonly used in this practice.

Massage establishment: Any establishment having a fixed place of business where any person, firm, association or corporation engages in or carries on or permits to be engaged in or carried on any of the activities mentioned in the preceding paragraph defining "massage."

Masseur or masseuse: Any person who, for any consideration whatsoever, engages in the practice of massage.

Obscenity or obscene: any material or performance is obscene if, taken as a whole:

- a. Applying contemporary community standards, its predominant appeal is to prurient interest in sex; and
- b. The average person, applying contemporary community standards, would find the material depicts or describes sexual conduct in a patently offensive way; and
- c. A reasonable person would find the material lacks serious literary, artistic, political or scientific value.

Sex shop: Any business which meets any one (1) of the following criteria:

- a. More than ten (10) percent of the stock-in-trade of the business consists of sexually oriented toys, novelties, leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or
- b. More than ten (10) percent of the gross public floor area of the business is devoted to the display of sexually oriented toys or novelties; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices; or

- c. It advertises or holds itself out in any forum as "XXX", "adult", "sex", or otherwise as a sex business other than an adult media outlet, adult motion picture theater, or adult cabaret.

Sexual activities: Human genitals in a state of sexual stimulation or arousal or acts of human masturbation, sexual stimulation or arousal or acts of human masturbation, sexual intercourse, sodomy, or fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.

Sexually oriented business: An inclusive term used to describe collectively: Adult cabaret; adult motion picture theater; adult media store; and/or sex shop which has as a primary purpose the sale, display or rental of goods that are designed for use in connection with specified sexual activities or that emphasize matters depicting, describing or relating to specified sexual activities or specified anatomical areas or has one (1) of the following as a primary business purpose:

- a. The provision of entertainment where the emphasis is on performances, live or otherwise, that depict, portray, exhibit or display specified anatomical areas or specified sexual activities; or
- b. The provision of nonmedical services related to specified sexual activities or specified anatomical areas.

Specified anatomical area: 1) Less than completely and opaquely covered: human genitals, pubic region, buttock, and female breast below a point immediately above the top of the areola; and (2) human male genitals in a discernible turgid state, even if completely and opaquely covered.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-163. - Exceptions.

The regulations contained in this division do not apply to the following:

- a. Any retail business whose major business is the offering of wearing apparel for sale to customers.
- b. Any play, drama, ballet, or motion picture in any theater, concert hall, museum of fine arts, school, institution of higher education, or other similar establishment as a form of expression or opinion or communication of ideas or information, as differentiated from the promotion or exploitation of nudity for the purpose of advancing the economic welfare of the commercial or business enterprise.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-164. - Massage businesses.

Only massage businesses as defined and regulated in Chapter 324 of the Missouri Revised Statutes will be allowed in the City of Crestwood, Missouri.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-165. - Conditions of mainstream media outlets.

- (a) Mainstream media outlets shall have the same zoning and licensing requirements as any other media outlets, as long as the following conditions are implemented:

Adult media shall be kept in a separate room or section of the shop, which room or section shall:

- (1) Not be open to any person under the age of eighteen (18);
- (2) Be physically and visually separated from the rest of the store by an opaque wall of durable material, reaching at least eight (8) feet high or to the ceiling, whichever is less;

- (3) Be located so that the entrance to it is as far as reasonably practical from media or other inventory in the store likely to be of particular interest to children;
 - (4) Have access controlled by electronic or other means to provide assurance that persons under age eighteen (18) will not gain admission and that the general public will not accidentally enter such room or section. Continuous video or window surveillance of the room by store personnel should be provided; and
 - (5) Provide signage at the entrance stipulating that persons under eighteen (18) are not permitted inside.
- (b) Media outlets that contain less than ten (10) percent of the stock in trade which involves sexually oriented materials are not regulated by this section. However, no explicit sexual material may be publicly displayed, as defined in Chapter 573 of the Missouri Revised Statutes.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-166. - License required and posting of licenses.

- (a) It shall be unlawful for any person to operate or maintain a sexually oriented business within the city until the owner of such business has applied to the office of the city clerk for a license to operate such business and such license has been approved by the chief of police, director of public services and the city clerk or to operate such establishment after such license has been revoked or suspended by the city, or has expired as set forth in this article.
- (b) It shall be unlawful for any manager, employee or entertainer to knowingly perform any work, service or entertainment directly related to the operation of an unlicensed sexually oriented business, or to work at such business after such license has been revoked or suspended by the city, or has expired, as set forth in this article.
- (c) No licensed manager, entertainer, or employee shall knowingly work, serve, or entertain in any sexually oriented business which does not have a valid license as required by this article.
- (d) Every sexually oriented business, manager, entertainer or other employee required to be licensed by this article shall post such license in a conspicuous place on the licensed premises so it is readily available for inspection by city authorities responsible for enforcement of this division. Failure to post the license as required by this section is prima facie evidence that the sexually oriented business has not obtained such a license. In addition, it shall be prima facie evidence that any entertainer, employee, or manager who performs any service or entertainment in a sexually oriented business in which a sexually oriented business license is not posted in a manner required by this division, had knowledge that such establishment was not licensed.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-167. - License, classification, and fees.

- (a) The license year for all fees required under this division shall be from July 1 through June 30. The application for a license shall be accompanied by payment in full of the fee stated in this section by certified check, cashier's check or money order; and no application shall be considered until such fee is paid.
- (b) The classification of licenses and fees for each shall be as follows:
 - (1) Sexually oriented business license fee, one thousand dollars (\$1,000.00) for initial application; five hundred dollars (\$500.00) for renewal;
 - (2) Sexually oriented business manager's license fee, two hundred fifty dollars (\$250.00) for initial application; one hundred twenty-five dollars (\$125.00) for renewal;

- (3) Sexually oriented business entertainer's license fee, two hundred fifty dollars (\$250.00) for initial application, one hundred twenty-five (\$125.00) for renewal.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-168. - Application for license.

(a) *Sexually oriented business license.* An application for license for the operation of a sexually oriented business in the city shall be obtained from the city clerk. A notarized application shall be submitted in the name of the person proposing to conduct or operate the sexually oriented business. All applications shall contain the following information:

- i. The business name, address and telephone number of the establishment, a description of the entertainment to be performed on the premises, and the name or names of the owner of the premises where the sexually oriented business will be located.
- ii. The name, address, home telephone number, occupation, date, and place of birth and Social Security number of the applicant.
- iii. The names, residence, addresses, social security numbers and dates of births of all partners, if the applicant is a partnership; and if the applicant is a corporation or a limited liability company, the same information for all corporate officers, directors, and all limited liability company managers and members.
- iv. The addresses of the applicant, or of all partners, or of all corporate officers and directors, or of all limited liability company managers or members, for the five (5) years immediately prior to the date of the application.
- v. A description of the sexually oriented business and similar business history of the applicant, all partners, all corporate officers and directors; and all limited liability company managers and members including, whether any such person or entity, in previously operating in this or another city, county or state, has had a business license revoked or suspended, the reason therefore, and the activity or occupation subjected to such action, suspension or revocation.
- vi. A statement of each and every business, occupation or employment of the applicant, or of all partners, or of all corporate officers and directors, or of all limited liability company managers and members, for the three (3) years immediately preceding the date of the application.
- vii. A statement from the applicant, or from each partner, or from each corporate officer and director, or from each limited liability company manager and member, that each such person has not been convicted of, released from confinement for conviction of, or diverted from prosecution on:
 1. A felony criminal act within five (5) years immediately preceding the application; or
 2. A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code or the criminal code of the jurisdiction in which the offense was charged, or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or other statutes or ordinances.

The statement shall also indicate that the applicant, partner or corporate officer or director has not been convicted of a municipal ordinance violation or diverted from prosecution on a municipal ordinance violation, within two (2) years immediately preceding the application

where such municipal ordinance violation involved sexual offenses, indecent exposure, prostitution or the sale of controlled substances or illegal drugs or narcotics.

- viii. A full set of fingerprints and a photograph, to be taken by the police department, of the applicant, or of all partners if the applicant is a partnership, or of all corporate officers and directors if the applicant is a corporation, or in the case of a limited liability company, the managing member.
- ix. If the applicant is a corporation, a current certificate of registration issued by the Missouri Secretary of State.
- x. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provision of this division.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application which shall not be processed.

(b) *Sexually oriented business manager or entertainer's license.* An application for a sexually oriented business manager or entertainer license for work at a sexually oriented business in the city shall be obtained from the city clerk. A notarized application shall be submitted in the name of the person proposing to be a sexually oriented business manager or entertainer. All applications shall contain the following information:

- i. The home telephone number, occupation, date and place of birth and Social Security number of the applicant.
- ii. The business name, address and telephone number of the business where the applicant intends to work and an intent to hire statement from the sexually oriented business that is licensed or that has applied for a license under the provisions of this division.
- iii. A statement from the applicant that the applicant has not been convicted of, released from confinement of, or diverted from prosecution on:
 - 1. A felony criminal act within five (5) years immediately preceding the application; or
 - 2. A misdemeanor criminal act within five (5) years immediately preceding the application, where such misdemeanor criminal act involved sexual offenses, prostitution, promotion of prostitution, sexual abuse of a child, pornography or related offenses as defined in the Missouri Criminal Code, or the criminal code of the jurisdiction in which the offense was charged, or involved controlled substances or illegal drugs or narcotic offenses as defined in the Missouri Controlled Substances Act or other statutes or ordinances. The statement shall also indicate that the applicant has not been convicted of a municipal ordinance violation within two (2) years immediately preceding the application where such municipal ordinance violation involved sexual offenses indecent exposure, prostitution, or sale of controlled substances or illegal drugs or narcotics.
- iv. Documentation that the applicant has attained the age of eighteen (18) years at the time the application is submitted.
- v. A full set of fingerprints and a photograph of the applicant, to be taken by the police department.
- vi. A statement signed under oath that the applicant has personal knowledge of the information contained within the application and that the information contained therein is true and correct and that the applicant has read the provisions of this division.

Failure to provide the information and documentation required by this subsection shall constitute an incomplete application which shall not be processed:

- (c) *Application processing.* Upon submission of a complete application for a sexually oriented business license, or a sexually oriented business manager, or entertainer license, the city clerk will transmit one (1) copy of the application to the chief of police and one (1) copy to the director of public services. The police department shall review the information contained therein, perform a background check, and verify the qualification of the applicant. Additionally, the director of public services will determine whether the structure of the sexually oriented business complies with the requirements and meets the standards of the applicable health, zoning, building, fire, and property maintenance ordinances of the city. The chief of police and the director of public services shall report results to the city clerk no later than (10) working days from the date the application is received by the city clerk.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-169. - Examination of application; issuance of license.

- (a) If the application for a license of a sexually oriented business, or for a manager or entertainer of a sexually oriented business is in proper form, accompanied by the appropriate license fee, the city clerk shall examine the application. If after such examination, the city clerk determines that the applicant is qualified, has met the requirements of the chief of police and the director of public services, and has met all requirements set forth in this article, the city clerk will approve a license as provided for by law. The city clerk must provide the applicant with a response within sixty (60) days of the submission of the completed application for the sexually oriented business. No incomplete application will be processed.
- (b) If an application of a license is not approved, the applicant shall be immediately notified by registered or certified mail to the applicant's last known address and the notification shall state the bases for such disapproval. Any applicant aggrieved by the disapproval of a license application may seek judicial review in a manner provided by law.
- (c) The license, if granted shall state on its face the name of the person or persons to whom it is granted, the expiration date, and the address of the sexually oriented business.
- (d) A single license will authorize the operation of only one (1) sexually oriented business; more than one (1) business use within a licensed business is prohibited.
- (e) No person is eligible nor shall licenses be issued to a sexually oriented business or manager, employee or entertainer if the applicant does not meet the requirements set forth in this division or one (1) of the following requirements is not met:
- (1) The applicant failed to supply all of the information requested on the application;
 - (2) The applicant gave false, fraudulent or untruthful information on the application;
 - (3) The applicant's proposed business premise does not comply with or meet the ordinances of the city, provided, that upon a showing that the premises meet said requirements and that the applicant is otherwise qualified, the application shall be eligible for reconsideration by the city;
 - (4) The applicant has been convicted, released from incarceration for conviction, or diverted on any of the crimes set forth in subsection 13-168(a)vii. or 13-168(b)iii, during the time period set forth in said subsection;
 - (5) The applicant or applicant's spouse has had an adult entertainment license revoked or suspended in this or any other city during the past five (5) years.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-170. - Renewal.

- (a) A license may be renewed by making application to the city clerk on the application forms provided. Licenses shall expire on June 30 of each year, and renewal application for such licenses shall be submitted by June 1 of each year.
- (b) Upon payment of license fee and review of the application by the city clerk, the city clerk shall renew the license for an additional license year if conditions under which the original license was issued have not changed. If the application for renewal of a license is not made during the time provided in subsection (a) of this section, the expiration of such license shall not be affected and a new application shall be required.
- (c) License will not be renewed if the applicant is overdue in the payment to the city of taxes, fees, fines, or penalties assessed against the business or imposed upon the business in relation to the sexually oriented business.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-171. - Transferability; revocation and/or suspension of license.

- (a) Licenses issued under this division shall not be transferable, either to any person, persons or other entities.
- (b) The city clerk may suspend a license for a period not to exceed thirty (30) days upon a determination that a licensee or employee has violated any part of this article. Said suspension shall be issued in writing mailed by certified mail, return receipt requested, to the licensee at the address of the establishment or at the home of the licensee or served by process server at the usual place of abode of the licensee or at the address of the establishment. If a suspension is issued for a correctable violation, said suspension shall be terminated upon verification by inspection that the correction has been made which shall be determined no later than forty-eight (48) hours after receipt of written notice of correction by the city clerk.
- (c) The city clerk shall revoke any license where any of the following occur:
 - i. The sexually oriented business license or the sexually oriented business manager or entertainer license was obtained through false statements in the application for such license, or renewal thereof; or
 - ii. The sexually oriented business license or sexually oriented business manager or entertainer licensee failed to make a complete disclosure of all information in the application for such license or renewal thereof; or
 - iii. The owner/operator, any partner, any corporate officer, director, employee, manager, or entertainer holding a sexually oriented business license has become disqualified from having a license by a conviction as provided in sections 13-168(a)vii. or 13-168(b)iii.; or
 - iv. The owner/operator, any partner, any corporate officer, director, employee, manager or entertainer holding a sexually oriented business license has two (2) or more violations of sections 13-172, 13-173, 13-174, 13-175, 13-179, to which he or she has received written notice.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-172. - Appeal from denial, suspension or revocation of license.

An applicant who has been denied either an initial license or a renewal license, or whose license has been suspended or revoked may appeal the city clerk's decision by filing a written notice of appeal to the board of aldermen within ten (10) days of the city clerk's decision. The board of aldermen shall schedule a public hearing of such appeal within two (2) weeks of filing of the written notice of appeal, or as soon

thereafter as is possible if the board of aldermen is not in session when the notice of appeal is filed. The board of aldermen shall affirm the decision of the city clerk if it finds that the conditions pertinent to issuance or maintenance of a license have not been met. An applicant aggrieved by any decision shall have the right to seek judicial review as is permitted by applicable state law.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-173. - Location of sexually oriented business.

- (a) No sexually oriented business shall be located or situated at a distance of less than five hundred (500) feet from any property occupied by a public or private school, day care center, church or place of worship, hospital, public park, regional mall or any property used for residential purposes. Measurements shall be made in a straight line without regard to intervening structures or objects, from the front door of the sexually oriented business to the nearest point on the property boundary of the tract occupied by the school, church, hospital, park, licensed child care center, regional mall or residential parcel.
- (b) No sexually oriented business shall be located or situated at a distance of less than one thousand (1,000) feet from another sexually oriented business. Measurements shall be made in a straight line without regard to intervening structures or objects, from the front door of the sexually oriented business to the front door of another sexually oriented business.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-174. - Unlawful erotic activities.

- (a) It shall be unlawful for any entertainer, employee, or customer to fondle, caress, or touch any customer or other entertainer or employee in a manner in or on a specified anatomical area or for any customer to fondle, caress, or touch any entertainer or employee or other customer in any manner in or on a specified anatomical area, whether such specified anatomical areas are clothed, unclothed, covered, or exposed.
- (b) No employee or entertainer shall perform any specified sexual activities as defined herein, wear or use any device or covering exposed to view which simulates any specified anatomical area, use artificial devices or inanimate objects to perform or depict any of the specified sexual activities as defined herein, or participate in any act of prostitution.
- (c) No entertainer or employee shall solicit, demand, or receive any payment or gratuity from any patron or customer for any act prohibited by this article and no entertainer or employee shall receive any payment or gratuity from any customer for any entertainment regulated hereunder.
- (d) It shall be unlawful for an entertainer or employee to be visible from the exterior of the sexually oriented business while such person is unclothed or in such attire, costume or clothing as to expose to view any specified anatomical area.
- (e) It shall be unlawful to operate a sexually oriented business in any manner that permits the observation of live performers engaged in an erotic depiction or dance or any material or persons depicting, describing or relating to specified sexual activities or specified anatomical areas as defined herein, from any exterior source by display, decoration, sign, show window or other opening.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-175. - Manager responsibility.

- (a) At least one (1) licensed sexually oriented business manager shall be on duty during all hours of operation. The name and license number of the manager on duty shall be prominently posted during business hours.
- (b) It shall be the responsibility of the manager on duty to verify that any person who provides adult entertainment within the premises possesses a current and valid entertainer's license issued by the city.
- (c) It shall be the responsibility of the manager to post and enforce a "no loitering" policy.
- (d) It shall be the responsibility of the manager to ensure all standards and obligations of the license are maintained.
- (e) The licensed sexually oriented business must notify the city within seventy-two (72) hours of the termination or resignation of any licensed manager.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-176. - Operational criteria.

- (a) No sexually oriented business may be open or in use between the hours of 1:30 a.m. and 10:00 a.m.
- (b) Only persons eighteen (18) years of age or older shall be permitted on the premises of any sexually oriented business.
- (c) The premises of all sexually oriented businesses shall be physically arranged in such a manner that there is an unobstructed view of the entire premises, excluding restrooms, dressing rooms, and storage space. Visibility of common areas shall not be blocked or obscured by doors, curtain, drapes or any other obstruction whatsoever,
- (d) *Ventilation and sanitation requirements.* The premises of all sexually oriented businesses shall be kept in a sanitary condition. Separate dressing rooms and restrooms for men and women shall at all times be maintained and kept in sanitary condition.
- (e) No owner, operator, manager or other person in charge of a sexually oriented business shall:
 - (1) Knowingly permit alcoholic liquor or cereal malt beverages to be brought upon or consumed on the premises;
 - (2) Knowingly allow or permit the sale, distribution, delivery or consumption of any controlled substance or illegal drug or narcotic on the premises;
 - (3) Knowingly allow or permit any act of prostitution or patronizing prostitution on the premises; or
 - (4) Knowingly allow or permit a violation of this article or any other city ordinance or provision or state law.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-177. - Standards for physical design of the premises.

(a) *General standards.*

- (1) The premise of all sexually oriented businesses will be so constructed as to include a foyer, partition, or other physical barrier on all customer entrances that will ensure the interior of the premises is not observable from the exterior of the building. In addition, all windows will be covered to prevent viewing of the interior of the building from the outside and all doorways not constructed with an anteroom or foyer will be covered so as to prevent observation of the interior of the premises from the exterior of the building,
- (2) Design must ensure that the manager has visual control of the premises using a system that will provide continuous monitoring of blind spots or remote parts of the premises.

- (3) Lighting required: The premises of all sexually oriented business shall be equipped with overhead lighting of sufficient intensity to illuminate every place to which customers are permitted access at an illumination of not less than one (1) foot-candle as measured at the floor level, and such illumination must be maintained at all times that any customer or patron is present in or upon the premises.
- (4) Design must ensure access control in order to prevent any attempted or accidental entry by a minor.
- (5) The business must provide restrooms for customer use.
- (b) Design standards for businesses with live or film entertainment
 - (1) Stage must be elevated eighteen (18) inches above floor level and the stage must have a railing in place on the floor that keeps customers at least thirty-six (36) inches away from the stage.
 - (2) Performers must remain on stage during the performance.
 - (3) Live entertainment must occur in a space of at least six hundred (600) square feet.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-178. - Signage.

- (a) It shall be unlawful for a sexually oriented business to erect, construct or maintain any sign for the sexually oriented business except for one (1) primary and one (1) secondary sign.
- (b) Primary signs shall have no more than two (2) display surfaces which shall:
 - (1) Not contain any flashing lights;
 - (2) Be rectangular in shape;
 - (3) Conform to the City of Crestwood's sign code; and
 - (4) Not contain a photograph, silhouette, drawing or pictorial representation of any kind, and may display only the name of the sexually oriented business, and one (1) or more of the following: "adult bookstore", "adult movie (or video) theater", "adult novelties", "adult entertainment".
- (c) Secondary signs shall have only one (1) display surface. Such display surface shall:
 - (1) Be rectangular in shape;
 - (2) Not contain any flashing lights;
 - (3) Conform to the City of Crestwood's sign code; and
 - (4) Be affixed to a door or to a wall of the sexually oriented business;
- (d) A secondary sign shall comply with the provisions of subsection (b).
- (e) Any sign located on the premises of a commercial multi-unit center containing an enterprise that displays the name, or a portion of the name of the enterprise, any name under which any enterprise was formerly operated on the premises, or that contains any of the terms set forth in subsection (c)(3) of this article, or any other terminology that is commonly used to identify, or is associated with the presence of a sexually oriented business, shall comply with the restrictions of this article. The intent of this subsection is to prevent the use of the signage identifying the commercial multi-use center itself as a subterfuge to evade the restriction on sexually oriented business signs set forth in this article.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-179. - Compliance with code requirements.

Any sexually oriented business licensed under this division shall comply with all other requirements of the Codes of the City of Crestwood as now or in the future may be adopted.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-180. - Inspections.

An applicant or licensee shall permit representatives of the police department, fire department, or public services department to inspect the premises of a sexually oriented business for the purpose of ensuring compliance with the law, at any time it is occupied or open for business. It shall be unlawful for any licensee to fail to allow such inspection officer access to the premises or hinder such officer in any manner.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-181. - Severability.

If any section, subsection or clause of this division shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby.

(Ord. No. 4001, § 1, 9-26-06)

Sec. 13-182. - Penalties.

Any violation of any part of this division shall be deemed a misdemeanor and shall be subject to all penalties as provided in this Code.

(Ord. No. 4001, § 1, 9-26-06)

Secs. 13-183, 13-184. - Reserved.

DIVISION 7. - OUTPATIENT SURGICAL TREATMENT CENTERS

Sec. 13-185. - Definitions.

The term "outpatient surgical treatment center," as used herein, means any business, institution or establishment devoted to the operation of a facility for the performance of surgical procedures.

Such facility shall not provide services or other accommodations for the overnight stay of patients. This definition does not include any facility licensed as a part of a hospital, or a facility where oral or eye or podiatric surgery is performed.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-186. - License—Required.

In addition to all other licenses and permits required to operate a business within the city, no person, either as owner, agent or manager, shall operate, conduct or maintain an outpatient surgical treatment center without first obtaining a license therefor from the city, in accordance with the following procedures [as outlined in sections 13-187 through 13-190].

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-187. - Same—Application information.

Any person desiring to operate an outpatient surgical treatment center shall file a verified application with the city clerk, containing the following information:

(1)

The full name of the applicant, business address and, in the case of an individual applicant, current residence address. If the applicant is a partnership, the names and business and residence addresses of the partners and a fully executed copy of the partnership agreement shall be provided. If the applicant is a corporation, the names and business and residence addresses of the officers and board of directors, together with a fully executed copy of the current articles of incorporation and certificate of incorporation, shall be provided.

- (2) The training and experience of the applicant relevant to the operation of an outpatient surgical treatment center. If the applicant is a partnership, the training and relevant experience of the partners shall be included. If the applicant is a corporation, the training and relevant experience of the officers shall be included.
- (3) The names, business and residence addresses and professional training and experience of any physician who shall be rendering medical service or treatment at such center, together with a certification from each physician that he or she will be serving on the staff of the facility. If, during the period, any other physicians are proposed to render medical service or treatment at the center, the foregoing information shall be provided with regard to any such additional physicians prior to any medical service being rendered by such physicians.
- (4) A description of the surgical services, medical facilities and major equipment which shall be provided at the center.
- (5) A fully executed copy of an agreement between the center and a hospital located near the city providing for a transfer of patients of the center to such hospital for emergency treatment, whenever necessary, or, alternatively, verification that each physician who is proposed to perform surgical procedures at the center is a member of the staff (with admitting privileges) of a hospital located within the county.
- (6) Statement as to method of disposal of all human tissue and including fetal remains, together with such information as shall establish that such method of disposal conforms with all applicable governmental regulations.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-188. - Same—Review and approval of application.

The application shall be reviewed to determine that it contains all of the information required herein. Upon determination that it so complies, the city clerk shall issue such license and the applicant shall pay a license fee in such amount approved by the voters of the city as such fee.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-189. - Existing centers.

Any outpatient surgical treatment center in operation at the time of the adoption of this division shall be notified of its adoption and shall file its application for license in compliance with the requirements hereof within ninety (90) days of the adoption of this division.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-190. - License renewal.

Each such license shall be renewed annually as of June 1 of each year, upon the filing of an updated application containing all of the information required for the original license and a determination of compliance with all of the requirements hereof and payment of a license renewal fee in the sum of such

amount approved by the voters of the city as such fee. No license granted hereunder shall be transferable.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-191. - Operational requirements.

- (a) An outpatient surgical treatment center shall operate in compliance with all applicable governmental laws and regulations.
- (b) Individual patients shall be discharged in an ambulatory condition without danger to the continued wellbeing of the patients or shall be transferred to a hospital.
- (c) An outpatient surgical treatment center shall have in effect at all times an agreement with a hospital located near the city providing for transfer of patients of the center to such hospital for emergency treatment, whenever necessary. In the alternative, each physician performing surgical procedures at the center shall be a member of the staff (with admitting privileges) of a hospital located within the county.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-192. - Revocation of license.

Any license granted hereunder shall be subject to revocation by the board of aldermen upon a finding by such board of a violation of any of the provisions, conditions or requirements hereof, provided that the licensee shall first be given written notice of any violations hereunder and be afforded a hearing to present such information as the licensee may desire. The notice shall fix the time and place for such hearing, which shall be at least ten (10) days after service of such notice.

(Ord. No. 3389, § 1, 11-28-95)

Sec. 13-193. - Violations.

- (a) No person shall assist in or perform any surgery at an outpatient surgical treatment center which is not the holder of a duly issued current license hereunder.
- (b) No outpatient surgical treatment center shall operate without the license provided for herein.
- (c) Any person found guilty of violating any of the provisions hereof shall be subject to all penalties provided for violation of city ordinances.

(Ord. No. 3389, § 1, 11-28-95)

Secs. 13-194—13-200. - Reserved.

ARTICLE III. - MERCHANTS, MANUFACTURERS, SERVICE OCCUPATION AND SERVICE BUSINESS TAXES^[6]

Footnotes:

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Editor's note—Section 3 of Ord. No. 3979, which was passed and signed on the 25th day of April, 2006, and which was amended by Ord. No. 3981, on May 23, 2006, is hereby amended by deleting the current section in its entirety and enacting a new Section 3 as follows: "SECTION 3: This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and its approval by the Mayor, except that, in the case of a business that was classified as a "Service Business" for the license tax year beginning on June 1, 2005 and ending on May 31, 2006, the business license tax for the tax years beginning June 1, 2006 and June 1, 2007, when calculated based on the appropriate new business classification, shall in no case be greater than the license tax paid for the tax year beginning June 1, 2005 and ending May 31, 2006."

Cross reference— Taxation, Ch. 25.

Sec. 13-201. - Definitions.

The following definitions will govern in the construction of this article:

Charges: The amount designated by the licensee as the consideration to be paid for goods, services or otherwise, including considerations to be paid, rendered or delivered at a later date.

Gross receipts: As applied to service occupations, all of the money, property, services and other considerations charged for or received or derived from their business activities, and includes but is not limited to receipts and charges for and from sales, rentals, hiring, admission prices, compensation, personal services, service charges, commissions, contracts, fees, penalties, bonuses, credits and services of a trade or occupation or other price received or charged for any combination of services and property or use thereof or admittance or privilege granted.

Licensee: Every person required to have a current license as well as one (1) holding a license.

Manufacturer: Every person who shall hold or purchase personal property for the purpose of adding to the value thereof by any process of manufacturing, refining or by the combination of different materials or commodities or other articles. The term "manufacturer" includes those engaged in treating, processing, refining, improving, combining, fabricating, assembling or otherwise adding to the usability, value or appearance of commodities and other personal property, whether done on order or for sale upon expected or anticipated demand or orders for the manufactured goods.

Merchant: Every person doing business in this city who shall as a practice in the conduct of such business make or cause to be made any wholesale or retail sales or sales as a jobber of goods, wares and merchandise to any person, or who renders any services in connection with any such sale, at a store, stand or place in the city, whether such sales shall be accommodation sales, or whether made from stock on hand or ordering goods from another source, or whether the subject of said sales is of a different type of goods than those regularly manufactured, processed or sold by said dealer. The word shall be construed to include merchants of all kinds, including those selling consigned merchandise.

Sale: Any transfer, exchange or barter of tangible personal property for a consideration of money, property or service, or any combination thereof, and including the rendering of any service in the city in connection with such activities. As used with respect to gross receipts of service occupations and the license of one dollar and twenty-five cents (\$1.25) per one thousand dollars (\$1,000.00) of sales of merchants, manufacturers and service occupations, "sale" means all of the considerations in money, property, services or other money's worth charged or received for the sale of goods or wares, merchandise and other products and commodities.

Service occupation: Any calling, business, dealer, trade, avocation, pursuit, occupation or enterprise, with the exception of merchants, manufacturers and businesses excluded under section 13-202, including the selling of goods, wares and merchandise other than for a store, stand or place of business in the city; persons dealing in or rendering services of any and all kinds to persons or property and persons renting or hiring property or facilities to others and those who conduct activities for which an admission is charged or consideration is received for attendance at performances, shows, spectacles or other events,

or for participation in contests or games or for use of facilities or accommodations operated or maintained by such person. The words "service occupation" as used herein shall, when the context requires, be construed to mean "persons engaged in a business defined wherein as a service occupation."

Store, stand or place: Includes vehicles.

Value: As used for determining the ad valorem tax under this article, the fair market value of the goods, wares and merchandise or raw material, goods in process and finished products; and as to tools, machinery and appliances, the depreciated value used for federal income tax purposes may be considered by the city clerk/collector as evidence of the value.

(Code 1965, §§ 37.01, 38.01; Ord. No. 1566, § 1, 4-8-75; Ord. No. 1567, 4-8-75; Ord. No. 3946, § 1, 11-22-05; Ord. No. 3979, § 1, 4-25-06)

State Law reference— Merchant defined, RSMo 150.010; manufacturer defined, RSMo 150.300.

Sec. 13-202. - Tax imposed.

Every business and enterprise listed under this article shall pay the amount of license tax prescribed and obtain a license from the city annually. The annual tax shall be due and payable on June 1 of each year, or upon commencing business if after June 1. In the case of businesses and enterprises for which license rates are given on a daily basis, the required tax must be paid and the license issued and obtained before commencing business or starting the enterprise. This tax shall not be imposed upon those businesses and services specifically exempted from local licensing by statutes of the State of Missouri which apply to the governance and taxing powers of Charter cities.

(Ord. No. 128, § II, 4-28-53; Code 1965, § 32.02; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-203. - Business taxed.

It is the intention of the board of aldermen to license and tax, under this article, all corporations and institutions, merchants, manufacturers, commercial enterprises, businesses, dealers, trades, occupations, pursuits and avocations which are subject to taxation by the city under the law, with the exception of those businesses or designated activities of businesses which are subject to licensing under other provisions of this Code taxing specifically named and described businesses or designated activities of businesses. Persons subject to taxing and licensing under this article, some portion of whose business is subject to licensing under other provisions of this Code, are required to have such licenses in addition to those required by this article; but in such case the respective portions of the businesses shall be treated for taxing and licensing under each applicable provision as though they were separate and distinct businesses or business activities, except as hereinafter provided. Merchants taxable under this article and engaged in selling nonintoxicating beer or alcoholic beverages, shall be required to have and pay for the licenses provided for in chapter 5, in addition to the license and tax herein provided for, and persons subject to licensing under chapter 5 shall be subject to tax and licenses under this article to the full extent of their goods, wares, merchandise and sales.

(Code 1965, § 37.02; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-204. - Method of calculating taxes.

(a) The license tax of merchants shall be calculated on the total amount of sales of goods, wares and merchandise in the state arising out of a business wholly or partly conducted at any store, stand or place in the city.

- (b) The license tax of manufacturers shall be calculated on the total amount of sales of goods manufactured by them in the city, wherever such sales may be made.
- (c) The license tax of service occupations shall be calculated on the total amount of the gross receipts arising out of transactions or other activities in the state which are wholly or partly conducted, arranged or supervised in or from the city.

(Code 1965, § 37.03; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-205. - Nature of tax.

The license taxes provided for in this article are assessed and payable for the privilege of engaging in and doing business in the city.

(Code 1965, § 37.04; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-206. - Businesses opening and closing during license year.

- (a) If any business or enterprise from which a license tax is due is commenced after June 1, the license fee shall be prorated monthly for the remaining months of that business license year, but not less than ten dollars (\$10.00).
- (b) Any business or enterprise which has paid its license tax for the license year and which closes within such year shall be entitled to seek a refund of a portion of such license tax. Any such business or enterprise must notify the city clerk that it is closing or has closed and request such a refund in writing to the city clerk within sixty (60) days of the date on which the business closed. Upon determination by the city that the business has been closed, the city clerk shall cause to be issued to such business a refund in an amount based upon the remaining months of the license year following the month in which the business or enterprise is determined to be closed.

(Ord. No. 128, § III, 4-28-53; Code 1965, § 32.03; Ord. No. 3359, § 1, 7-25-95; Ord. No. 3660, § 1, 3-27-01)

Sec. 13-207. - Classification of merchants, manufacturers and service occupations.

A business shall be classified as that of a merchant, manufacturer or service occupation according to the principal activity of the business as determined by the volume of sales or gross receipts; but if some portion of the business of a manufacturer or service occupation consists of activities defined in this article as those of a merchant, an ad valorem tax as provided for in the case of merchants shall be paid on the largest amount of all goods, wares and merchandise used in that portion of the business as in the case of a merchant. In the same manner, if a portion of the business of a merchant or service occupation consists of activities herein defined as those of a manufacturer, an ad valorem tax shall be paid on the value of the highest amount of tools, machinery and appliances used in that portion of the business as in the case of a manufacturer. In all cases, the ad valorem tax is to be in addition to the license tax of one dollar and twenty-five cents (\$1.25) per one thousand dollars (\$1,000.00) on gross receipts or sales, as the case may be.

(Code 1965, § 37.05; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3926, § 1, 8-23-05)

Sec. 13-208. - License.

- (a) *Required.* Every person defined to be a merchant or manufacturer or engaged in a service occupation shall, before doing or offering to do business as such, procure from the city clerk/collector a license therefor under the provisions of this article.

(b)

Agents, etc. It shall be unlawful for any manager, corporation officer, partner or agent to conduct or assist in the conduct of the business of a merchant, manufacturer or service occupation without having procured a license.

- (c) *Duty of employees.* After notice by the city clerk/collector or police to any clerk or employee of a merchant, manufacturer or service occupation that his principal has not procured a license to engage in such business, it shall be unlawful for such clerk or employee to conduct or assist in the conduct of the business of such merchant, manufacturer or service occupation.

(Code 1965, § 37.06; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-209. - Statements of business activity; payment of tax.

- (a) The city clerk/collector or his deputies shall after the first Monday in March and before the first Monday in May of each year, notify each merchant, manufacturer or person engaged in a service occupation, and it shall be the duty of such person whether so notified or not, to furnish the city clerk/collector:
- (1) A statement of the value of the largest amount of all goods, wares and merchandise, if a merchant or service occupation; or raw materials, goods in process and finished products, tools, machinery and appliances, if a manufacturer or service occupation; which he may have had in his possession or under his control on the last day of the most recent fiscal or calendar year, as established and used for federal income tax purposes; or
 - (2) A statement of the aggregate amount of all sales made by him, if a merchant or manufacturer, or gross receipts if a service occupation, during the last completed fiscal or calendar year as established and used for federal income tax purposes.
- (b) The statement shall be made in writing and delivered to the city clerk/collector, verified by the affidavit of the chief executive officer of the merchant, manufacturer or service occupation, or by a qualified officer of the firm or corporation. The amount of the license tax due thereon shall be paid to the city clerk/collector's office on or before June 1 of each year, and if not paid shall become delinquent on July 1. The oath may be made before the city clerk/collector or a notary.

(Code 1965, §§ 37.07, 38.03; Ord. No. 1566, § 1, 4-8-75; Ord. No. 1567, 4-8-75; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-210. - Merchant's taxes.

There shall be levied and collected on the value of the largest amount of all goods, wares and merchandise which he may have had in his possession or under his control on the last day of the most recent fiscal or calendar year, as established and used for federal income tax purposes, an ad valorem tax of one-fourth of one percent on the value of such goods, wares and merchandise situated within the corporate limits of the city, for municipal purposes. This tax shall be paid to the city clerk/collector on or before June 1 in each year, together with a license tax which shall be paid every year by the merchant (in addition to the per centum hereinbefore stated) of one dollar and twenty-five cents (\$1.25) per one thousand dollars (\$1,000.00) or fractional part thereof, of sales made by such merchant; provided, that no license shall be issued for a sum less than ten dollars (\$10.00), which sum shall be paid by each merchant doing business of ten thousand dollars (\$10,000.00) or less per annum.

(Code 1965, § 37.08; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3946, § 1, 11-22-05)

Sec. 13-211. - Manufacturer's taxes.

The manufacturer's license tax shall be paid every year to the city clerk/collector on or before June 1 of each year in the amount of one dollar and twenty-five cents (\$1.25) on each one thousand dollars (\$1,000.00) or fractional part thereof on sales made by such manufacturer; provided that no license shall be issued for a sum less than ten dollars (\$10.00), which sum shall be paid by each manufacturer doing a business of ten thousand dollars (\$10,000.00) or less per annum.

(Code 1965, § 37.09; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3946, § 1, 11-22-05; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-212. - Service occupation taxes.

The service occupation's license tax shall be paid to the city clerk/collector on or before June 1 of each year in the amount of one dollar and twenty-five cents (\$1.25) on each one thousand dollars (\$1,000.00) or fractional part thereof on the gross receipts of such service occupation; provided that no license shall be issued for a sum less than ten dollars (\$10.00), which sum shall be paid by each service occupation doing a business of ten thousand dollars (\$10,000.00) or less per annum.

(Code 1965, § 37.10; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3946, § 1, 11-22-05; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-213. - Reserved.

Editor's note— Ord. No. 3979, § 1, adopted Apr. 25, 2006, deleted § 13-213, which pertained to service business taxes and derived from Code 1965, § 38.05; Ord. No. 1567, adopted Apr. 8, 1975.

Sec. 13-214. - Credits on deposits.

The license tax required in this article to be paid on or before June 1 each year by merchants, manufacturers and service occupations shall be deemed a deposit on the amount due for the ensuing year. If upon filing the return the following May, it shall be determined that additional license or tax is due, such additional amount shall be paid to the city with the return. If the return shows the deposit exceeds the tax and license due, a credit shall be issued and the amount may be deducted from the deposit due on or before June 1.

(Code 1965, § 37.11; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-215. - Motor fuel sales.

Persons engaged in the business of selling motor fuel shall be subject to the licensing and taxing provisions of this article as merchants, and the sales of motor fuel shall be included in gross sales for such purposes.

(Code 1965, § 37.12; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-216. - Minimum tax.

All merchants, manufacturers, service occupations and other businesses in the city shall pay a minimum annual license tax levied and payable on each square foot of space occupied by the business, of an additional ten cents (\$0.10) per square foot, provided that all other merchants', manufacturers' and business license taxes paid by said persons shall be credited in computing the amount due under this section. Disclosure of square foot area occupied shall be included in said persons' affidavit or application for such merchants, manufacturers or business license, and the due date for the payment under this section shall coincide with the due date for the payment of each person's respective annual merchants',

manufacturers' and/or business license tax. The tax shall apply to all such businesses required as of November 3, 1981 or thereafter, to pay the base annual license tax under the provisions of this article and divisions 1 and 2 of article II of this chapter.

(Code 1965, § 37.121; Ord. No. 1840, § 1, 9-1-81)

Sec. 13-217. - Separate businesses.

In the event that any person operates more than one (1) place of business as enumerated in this article in the city, separate taxes shall be paid on each place operated, and separate licenses must be obtained for each place of business. The address of the business for which each license is issued shall be clearly shown on the face of the license, and it shall be of no force or effect at any other address unless the licensee moves the place of business for which the license was issued to another address in the city, in which event the change of address shall be noted on the license by the city clerk/collector and initialed by him.

(Code 1965, § 38.07; Ord. No. 1567, 4-8-75)

Sec. 13-218. - New businesses.

(a) *Tax deposit.* When any person commences business as a merchant, manufacturer or service occupation, he shall take out a merchants or manufacturers or service occupation license, as the case may be, but before any such license shall be issued, he shall deposit with the city clerk/collector such sum of money sufficient to cover a tax on one-tenth (1/10) of one (1) percent on the sales or gross receipts from the commencement of the business to the next May 31. The license tax hereinabove stated shall be deemed a deposit on the amount due from the commencement of business to the following May 31. Upon filing the return for the next ensuing year, if it shall be determined that additional license or tax is due, such additional amount shall be paid to the city with the return, and if the return shows the deposit exceeds the tax and license amount that should have been paid on commencing business, a credit shall be issued and the amount may be deducted from the deposit due on or before June 1 for the next ensuing license year.

On or before the last June 1 hereinabove stated, the merchant, manufacturer, or service business shall file a new statement for the ensuing year, and shall deposit with the city clerk/collector such some of money sufficient to cover a tax on one-tenth (1/10) of one (1) percent on the sales or gross receipts from the commencement of the business to the next May 31 and then dividing this amount of gross receipts or sales by the number of months in business and then multiplying this sum by twelve (12) thus estimating one (1) full license year of sales or gross receipts. Upon payment of the above sums such license shall be issued for the ensuing year. Thereafter the tax and license shall be determined as in the case of other merchants, manufacturers and service occupations, provided that such merchant, manufacturer or service occupation shall not be eligible to elect to pay on the basis of his fiscal year until he shall have been engaged in business in the city for a full fiscal year. ("Fiscal year" shall mean the merchant's, manufacturer's or service occupation's fiscal year as determined and used for his federal income tax purposes).

(b) *Former business experience.* If a merchant, manufacturer or service occupation commencing business in the city has been engaged in substantially the same business and proposes to locate such business in the city, his experience in that business and amount of sales or gross receipts may be used in

estimating the deposit to be made with the city clerk/collector as provided in this section, making due allowance for any increase or decrease in the proposed or expected extent or magnitude of the business.

(Code 1965, § 37.13; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-219. - Bonds.

If the city clerk/collector and any person commencing business as provided for in section 13-218 are unable to agree on the amount of deposit, the city clerk/collector may require a corporate surety bond from the licensee, conditioned that he will on or before June 1 next following, furnish the city clerk/collector with a verified statement as to property subject to ad valorem tax and sales or gross receipts that he will pay to the city clerk/collector the taxes and licenses due according to the provisions of this article. The bond shall be of not more than double the amount of the estimate of taxes made by the city clerk/collector, or in such lesser amount as the city clerk/collector may deem sufficient to protect the city's interest; and his approval shall be endorsed upon such bond before the license shall be issued. In addition to the bond, the licensee shall pay a minimum license fee of ten dollars (\$10.00), which shall be credited to his tax and license when his first return is made and the tax thereon paid. If the deposit made by such licensee for the period expiring May 31 after his commencement of business, is determined to be in excess of the amount due, the city clerk/collector shall credit the excess on his next license, or it shall be paid to the licensee if he has discontinued business.

(Code 1965, § 37.14; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-220. - Records; returns.

It shall be the duty of each merchant, manufacturer or service occupation to keep proper, good and sufficient books, and enter an account of all sales or gross receipts as the case may be, and to keep good and sufficient records of property subject to ad valorem taxes; which books, records and accounts, or true copies thereof if a nonresident of Missouri, shall always be kept in the city and be open to the inspection of the city clerk/collector or his agents or deputies to verify the return. The statements or returns made to the city clerk/collector under this article shall not be made public, nor shall they be subject to the inspection of any person except the mayor, city counselor, city clerk/collector and his agents, auditors and deputies and members of the board of aldermen. Such books, records and accounts shall be maintained for a period of at least three (3) complete license years, and they shall be subject to audit at any time for the three (3) previous years; provided that the books, records and accounts for any of the three (3) preceding years shall not be subject to audit more than once.

(Code 1965, § 37.15; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-221. - Demand by clerk.

If the city clerk/collector determines at any time that a licensee has failed to make a proper return or statement or has not paid the full amount of license tax due by him for any of the three (3) preceding years, he shall make demand for payment of the deficiency and may refuse to issue any license to a licensee who is in default in the payment of any tax for any of the three (3) preceding years, until paid.

(Code 1965, § 37.16; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-222. - Forms.

It shall be the duty of the city clerk/collector to furnish blank license forms for merchants, manufacturers and service occupations. The license shall acknowledge the payment to the city of the proper amount of tax, describe the nature of the business and authorize such business to be conducted in the city until the following June 1.

(Code 1965, § 37.17; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-223. - Assessments.

- (a) *By clerk.* If a licensee fails to make a return when due, or having made a return fails to pay the tax when due, or it is found upon any inspection or audit that any return made by a licensee during the previous three (3) years omitted property subject to ad valorem taxes, or failed to include sales or gross receipts subject to the tax of one dollar and twenty-five cents (\$1.25) per one thousand dollars (\$1,000.00), the city clerk/collector may, in addition to all other penalties, determine the true facts by the best information that he can and shall arbitrarily double the value or amount thereof, and it shall be the duty of the merchant, manufacturer or service occupation to pay his tax and license on such arbitrary assessment of property and sales or gross receipts in addition to the other penalties provided for delinquencies.
- (b) *Waiver of assessment.* In case the city clerk/collector is satisfied that the failure to make return and to pay the tax within the proper time was inadvertent and not willful, he may accept payment of the tax upon a proper return, verified by the licensee, with such penalties for delinquency as may have accrued thereon and waive the double assessment.

(Code 1965, § 37.18; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3979, § 1, 4-25-06)

Sec. 13-224. - Delinquent taxes.

All taxes and licenses due under this article shall become delinquent on July first of the year in which due, and thereafter shall be subject to a penalty of five (5) percent during the first month of delinquency, and one (1) percent a month additional until the penalty amounts to twenty-five (25) percent. This penalty shall be assessed in cases where a merchant, manufacturer or service occupation files a statement as hereunder required and then fails to pay a tax and license due, or when he files a statement which is later found to be incorrect and it is determined that additional taxes or license or both are due.

(Code 1965, § 37.19; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-225. - False returns.

Whoever shall make or file with the city clerk/collector, under the provisions of this article, a false statement under oath, shall forfeit his license and be deemed guilty of a violation of this Code. It shall be the duty of the city clerk/collector to examine carefully all statements filed with him and to prosecute all violations of this article according to law; provided, that before instituting any such prosecution he shall give the merchant, manufacturer or business occupation an opportunity of explaining the statement and correcting it if inadvertently made. If it shall appear to the city clerk/collector that such false statement was willfully and corruptly made, he shall report all the facts to the prosecuting attorney or grand jury.

(Code 1965, § 37.20; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-226. - Board of review.

- (a) In May of each year, the mayor shall appoint a board of review, consisting of three (3) aldermen, who shall meet as required to hear petitions for review by persons subject to license under this article and to consider petitions for review of any determination by the city clerk/collector with respect to the

valuation of property subject to ad valorem taxes and the amount of sales or gross receipts subject to percentage taxes. The city clerk/collector shall attend all sessions of the board of review.

- (b) The board of review shall have authority to determine the fair market value of property subject to the ad valorem tax and to determine whether the property or sales or gross receipts in question are subject to tax or license by the city. It shall exclude such items as are found to be improperly included in the statement or return, and shall determine controversies between the city clerk/collector and the licensee as to whether additional property or sales or gross receipts shall be included in the return or statement. The board of review may order omitted property, sales or gross receipts to be added to the amount shown on the return for the purpose of determining the correct tax.
- (c) The licensee or city clerk/collector may appeal from the decision of the board of review to the board of aldermen by filing a written request with the board of aldermen or city clerk/collector, respectively, requesting a hearing by the board of aldermen, within ten (10) days after a finding is entered by the board of review. The board of aldermen shall decide all appeals by July 25 following. The tax and license fee may be paid within ten (10) days after a final decision by the board of review or board of aldermen without penalty if the petition for review or appeal, if any, was taken by the city clerk/collector, or if the board of review or board of aldermen makes a determination that the petition for review or appeal was meritorious, if taken by the licensee.

(Code 1965, § 37.21; Ord. No. 1566, § 1, 4-8-75; Ord. No. 3979, § 1, 4-25-06)

Cross reference— Administration, Ch. 2.

Sec. 13-227. - Revocation of licenses.

In addition to the penalties provided for violation of this Code and the penalties provided for delinquent taxes and license, and in addition to the arbitrary double assessment provisions of this article, the licenses of merchants, manufacturers or service occupations violating any provision of this article may be suspended or revoked as may be provided by this Code or by law, and the remedies, punishment and penalties shall be cumulative.

(Code 1965, § 37.22; Ord. No. 1566, § 1, 4-8-75)

Sec. 13-228. - Motels and tourist camps.

- (a) *Registration.* The owner, agent, operator or person in charge of each motel, tourist camp, auto court or similar establishment in the city shall on January 1 each year and within thirty (30) days after any change in management or ownership, register with the city clerk/collector, setting forth the following facts:
 - (1) Name and address of the owner, operator or manager of the establishment;
 - (2) Name and location of the business; and
 - (3) Number of units furnished for occupancy by not more than two (2) persons and the number of units furnished for occupancy by more than two (2) persons, and the rates per unit in effect at the time.
- (b) *License fee.* At the time of registration, the owner, operator or manager shall pay a license fee of seven dollars and fifty cents (\$7.50) per year for each unit furnished for occupancy by two (2) persons or less, and ten dollars (\$10.00) per year for each unit furnished for occupancy by more than two (2) persons. For any person commencing business after January 1 of any year, the license fee shall be charged in proportion for the remaining months of the year. Any person charged with the duty of

paying the license fee herein provided for and neglecting to do so shall pay a penalty of an additional ten (10) percent for each month of delinquency thereafter, in addition to being subject to such fine and imprisonment as is provided for in this Code.

- (c) *Guest register.* The owner, operator or manager shall provide a system of registration for guests, either by card or in a book, and shall require registration of all guests, showing their names, addresses, time of arrival and departure and the number and name of the state issuing the license on the automobile; and it shall be the duty of the owner, operator or manager to verify the license number by comparison and to make certain that it is correctly registered in his records.
- (d) *Inspection.* All such establishments shall be subject to inspection at all times by the chief of police, who is charged with the duty of visiting each of such establishments regularly, and the registration records shall be subject to inspection by the chief of police and other authorized officials of the city, including the mayor and aldermen, as often as may be necessary in their judgment.
- (e) *Facilities.* Each unit furnished for occupancy shall contain electric lights, running water, wash basins, lavatories and water closets. Sheets and pillow cases shall be changed after each occupancy, and in any event not less than once a week. Each unit shall be ventilated, cleaned and the floor washed after each occupancy, and in any event not less than every three (3) days.
- (f) *Prohibited acts.* No person operating such an establishment shall knowingly permit any indecent or other illegal act or conduct to exist in, on or around the premises or any unit thereof, and shall promptly notify the chief of police if he has any reason to believe that any indecent or other illegal act is being committed.

(Ord. No. 9, §§ 1—6, 7-27-49; Ord. No. 452, § 1, 7-1-58; Code 1965, § 32.09)

State Law reference— Hotels, motels and resorts, RSMo Ch. 315.

Sec. 13-229. - Separate businesses.

Separate licenses must be obtained for each business or enterprise or portion of a business or enterprise which makes or conducts any sales. Every distinct portion of a business or enterprise engaging in, conducting or making sales separate in nature and character, and each portion of a business conducted in separate stores, offices or other places, shall have separate licenses.

(Ord. No. 128, § IX, 4-28-53; Code 1965, § 32.06)

Sec. 13-230. - Exemption from tax.

- (a) No license or tax shall be required of any nonprofit, benevolent, civic, patriotic, political or fraternal activity approved by order of the board of aldermen or by the police board, except for the sale of intoxicating or nonintoxicating alcoholic beverages. Those businesses and enterprises for which daily rates are shown, may, upon individual application to and approval by the board of aldermen, be classified for taxation under this article if the business is to be operated on a permanent basis and in such case agreement may be concluded between the city and the operator as to the amount, or method of calculating the value, of property and sales to be used as a basis for determining taxes under this article.
- (b) Businesses and enterprises subject to license and tax hereunder shall not be exempt from personal property or other ad valorem taxes but shall be exempt from merchant's and manufacturer's tax.

(Ord. No. 128, §§ IV, VI, 4-28-53; Code 1965, § 32.05)

Sec. 13-231. - Home occupations.

The provisions of this article III of Chapter 13 apply to home occupations as defined elsewhere in this Code.

(Ord. No. 3979, § 1, 4-25-06)

Sec. 13-232. - Business registration.

All business entities that are registered with the State of Missouri are required to register with the City of Crestwood by June 1 of each year on a form to be provided by the city clerk, regardless of the level of sales, income or gross receipts attributable to the business.

(Ord. No. 3979, § 1, 4-25-06)

Chapter 14 - MOTOR VEHICLES AND TRAFFIC^[1]

Footnotes:

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Cross reference— *Animals control code, Ch. 6; fire prevention and protection, Ch. 9; food and food establishments, Ch. 11; licenses and business regulations, Ch 13; parks and recreation, Ch. 17; police department, Ch. 20; signs, Ch. 22; streets and sidewalks, Ch. 24; moving buildings, § 7-15; auto wrecking or dismantling yards, § 13-31; abandoned vehicles, § 16-29; speed limits in parks, § 17-9; use of streets during construction, § 24-18; permit to drive across sidewalk or curb, § 24-55.*

State Law reference— *Motor vehicles, RSMo Ch. 300 et seq.; municipal traffic regulations, RSMo 304.120.*

ARTICLE I. - IN GENERAL

Sec. 14-1. - Definitions.

Words and phrases when used in this chapter shall have the meanings respectively ascribed to them by RSMo 301.010 and as follows:

Congested district: Any district lawfully designated by this chapter as a "congested district."

School zone: A space in any street lawfully designated by ordinance for the safety of persons going to and returning from public, private or parochial schools.

Street or highway: The entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

Traffic-control device: Any sign, signal, marking or device not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

(Ord. No. 20, § 1, 12-13-49; Code 1965, § 52.01)

Sec. 14-2. - Model ordinance—Adopted; violations bureau; penalty.

- (a) Chapter 300, consisting of RSMo §§ 300.010 through 300.600, commonly known as the "Model Traffic Ordinance," is hereby adopted by reference with like effect as if recited at length in this section.
- (b) If a traffic violations bureau is established pursuant to section 15-8, it shall assist the court with clerical work of traffic cases. The bureau shall be in the charge of such person or persons and shall be open at such hours as the municipal judge may designate.

(c)

Unless another penalty is expressly provided by law, every person convicted of a violation of any provision of this section shall be punished by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

(Ord. No. 1242, §§ 1—3, 12-22-70)

State Law reference— Authority of city to adopt model traffic ordinance by reference, RSMo 300.600.

Sec. 14-3. - Same—Additional definition.

In addition to the definitions of "highway," "roadway" and "street or highway" contained in section 300.010 of the model traffic ordinance, those terms shall be construed to include every way or place open for vehicular travel by the public, regardless of whether it has been legally established by constitutional authority or by the user for the statutory period of time as a public highway.

(Ord. No. 1427, § 1, 3-6-73)

Sec. 14-4. - Defendant under influence of alcohol.

When a person is charged with any violation of this chapter and is obviously and noticeably, at the time of the violation, under the influence of alcohol, even though not fully intoxicated, that fact shall be brought to the attention of the court, if the defendant is convicted, and may be considered by the judge in fixing the penalty.

(Ord. No. 575, § 2, 4-19-60; Code 1965, § 52.87)

Cross reference— Alcoholic beverages, Ch. 5.

Sec. 14-5. - Disposition of fines and forfeitures.

All fines or forfeitures collected upon conviction or upon the forfeiture of bail of any person charged with a violation of any provision of this chapter shall be paid into the city treasury and deposited in the general revenue fund.

(Ord. No. 20, § 67, 12-13-49; Code 1965, § 52.88)

Sec. 14-6. - Persons propelling push carts or riding bicycles or animals.

Every person propelling any push cart or riding a bicycle or an animal upon a roadway, and every person driving any animal-drawn vehicle, shall be subject to the provisions of this chapter applicable to the driver of any vehicle, except those provisions with reference to the equipment of vehicles and except those provisions which by their very nature can have no application.

(Ord. No. 20, § 6, 12-13-49; Code 1965, § 52.05)

State Law reference— Similar provisions, RSMo 300.085; rights and duties of bicycle and motorized bicycle riders, RSMo 307.188.

Sec. 14-7. - State license plate.

It shall be unlawful for any person to park or operate a motor vehicle on the streets of the city unless the valid and current state license plate or other evidence of registration, issued by the director of the state department of revenue or his counterpart, is displayed thereon. The plate must be entirely unobscured, unobstructed, all parts thereof plainly visible and kept reasonably clean and so fastened as not to swing. On all motor vehicles, one (1) plate shall be displayed on the front and the other on the rear

of such vehicle, not less than eight (8) nor more than forty-eight (48) inches above the ground, except that on trailers, motorcycles, motortricycles and motor scooters, one (1) plate shall be displayed on the rear of the vehicle. If only one (1) license plate is issued, it shall be displayed on the rear of the motor vehicle.

(Code 1965, § 52.07; Ord. No. 1913, § II, 7-12-83)

State Law reference— License plates, RSMo 301.130.

Sec. 14-8. - Certificate of inspection.

Any motor vehicle operated or parked on any street or highway in the city shall display a current and valid certificate of inspection and approval as prescribed by the state superintendent of highway patrol.

(Code 1965, § 52.90; Ord. No. 1914, § 1, 7-12-83)

Sec. 14-9. - Driver's license.

It shall be unlawful for any person, except those exempted by section 302.080 of the Missouri Revised Statutes, to:

- (1) Operate, other than as a chauffeur, any motor vehicle, upon any street or highway in this city unless he has a valid and unexpired operator's license.
- (2) Operate, as a chauffeur, any vehicle upon any street or highway in this city, unless he has a valid and unexpired license as a chauffeur.

(Code 1965, § 52.08; Ord. No. 1918, § II, 7-12-83)

State Law reference— Driver's license required, RSMo 302.020; carrying driver's license, RSMo 302.181; unlicensed person operating motor vehicle, RSMo 302.260; driving without current license, RSMo 302.321.

Sec. 14-10. - Age of drivers.

- (a) No person under the age of sixteen (16) years shall operate a motor vehicle on the streets of the city. Vehicle shall be as near as practicable to the center line of the street or highway along which he is proceeding before turning.
- (b) The owner of any motor vehicle shall not permit any person under the age of sixteen (16) years to operate a motor vehicle on the streets of the city.
- (c) Upon apprehension of any person under the age of sixteen (16) years operating a two-or three-wheel motor vehicle on the streets of the city, the police chief shall cause the impounding of said vehicle by a private agency designated by the police chief. Said vehicle shall only be returned to the rightful owner upon proof of said ownership and payment of a fee for impounding and storage of said vehicle of not less than twenty-five dollars (\$25.00) to the general revenues of the city.

(Code 1965, § 52.06; Ord. No. 1222, § 1, 8-11-70; Ord. No. 1915, § I, 7-12-83)

State Law reference— Persons ineligible for driver's license, RSMo 302.060.

Sec. 14-10.1. - Intermediate driver's licenses.

- (a) Any licensee who has been granted an intermediate driver's license shall have the same privileges to operate that classification of motor vehicle as a license issued pursuant to section 302.177 RSMo, except that no person shall operate a motor vehicle on the highways of this state or city under such an intermediate driver's license between the hours of 1:00 a.m. and 5:00 a.m. unless accompanied by a person described in subsection 1 of section 302.130 RSMo, except the licensee may operate a motor

vehicle without being accompanied if the travel is to or from a school or educational program or activity, a regular place of employment or in emergency situations as defined by the director of revenue by regulation.

- (b) Each intermediate driver's license shall be restricted by requiring that the driver and all passengers in the licensee's vehicle wear safety belts at all times. This safety belt restriction shall not apply to a person operating a motorcycle. For the first six (6) months after issuance of the intermediate driver's license the holder of the license shall not operate a motor vehicle with more than one (1) passenger who is under the age of nineteen (19) who is not a member of the holder's immediate family. As used in this subsection, an intermediate driver's license holder's immediate family shall include brothers, sisters, stepbrothers or stepsisters of the driver, including adopted or foster children residing in the same household of the intermediate driver's license holder. After the expiration of the first six (6) months, the holder of an intermediate driver's license shall not operate a motor vehicle with more than three (3) passengers who are under nineteen (19) years of age and who are not members of the holder's immediate family. The passenger restrictions of this subsection shall not be applicable to any intermediate driver's license holder who is operating a motor vehicle being used in agricultural work-related activities.

(Ord. No. 4072, § 1, 7-24-07)

Sec. 14-11. - Permitting certain persons to operate vehicles.

No person owning or in control or in charge of a motor vehicle shall permit any person who is intoxicated or obviously or noticeably under the influence of alcohol or drugs to drive or operate a motor vehicle in the city, nor shall he permit any person without a valid, unexpired driver's license, which has not been suspended or revoked, to drive or operate such motor vehicle within the city.

(Code 1965, § 52.09; Ord. No. 700, § 2, 2-13-62)

State Law reference— Driving while intoxicated, RSMo 577.010.

Sec. 14-12. - Safety helmet; goggles.

It shall be unlawful for any person to operate or occupy as a passenger any motorcycle, motor scooter or motor bike upon any public street or alley or other thoroughfare or in any public park within the city unless such person is wearing a type of safety helmet meeting standards of the state director of revenue, and goggles, the minimum protective standards for which must be determined by the chief of police. The chief of police may accept goggles approved by the American Motor Cycle Association for competitive racing.

(Code 1965, § 52.085; Ord. No. 1191, § 1, 5-20-70)

State Law reference— Motorcycles, protective headgear, RSMo 302.020.

Sec. 14-13. - Emergency vehicles—Use of lights and sirens—Right-of-way— Stationary vehicles, procedure.

- (a) Upon the immediate approach of an emergency vehicle giving audible signal by siren or while having at least one (1) lighted lamp exhibiting red light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle or a flashing blue light authorized by section 307.175 RSMo, the driver of every other vehicle shall yield the right-of-way and shall immediately drive to a position parallel to, and as far as possible to the right of, the traveled portion of the street or highway and thereupon stop and remain in such position until such emergency vehicle has passed, except when otherwise directed by a police or traffic officer.

- (b) Upon approaching a stationary emergency vehicle displaying lighted red or red and blue lights, the driver of every motor vehicle shall:
 - (1) Proceed with caution and yield the right-of-way, if possible with due regard to safety and traffic conditions, by making a lane change into a lane not adjacent to that of the stationary vehicle, if on a street or highway having at least four (4) lanes with not less than two (2) lanes proceeding in the same direction as the approaching vehicle; or
 - (2) Proceed with due caution and reduce the speed of the vehicle, maintaining a safe speed for road conditions, if changing lanes would be unsafe or impossible.
- (c) An "emergency vehicle" is a vehicle of any of the following types:
 - (1) A vehicle of the type defined in section 304.022.4(1)-(8), RSMo;
 - (2) A vehicle operated by the Crestwood Police Department.
- (d)
 - (1) The driver of any vehicle referred to in subsection (c) of this section shall not sound the siren thereon or have the front red lights or blue lights on except when such vehicle is responding to an emergency call or when in pursuit of an actual or suspected law violator, or when responding to, but not upon returning from, a fire.
 - (2) The driver of an emergency vehicle may:
 - (i) Park or stand irrespective of the provisions of sections 304.014 to 304.025 RSMo;
 - (ii) Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;
 - (iii) Exceed the prima facie speed limit so long as the driver does not endanger life or property;
 - (iv) Disregard regulations governing direction of movement or turning in specified directions.
 - (3) The exemptions granted to an emergency vehicle pursuant to subdivision (2) of this subsection (d) shall apply only when the driver of any such vehicle while in motion sounds audible signal by bell, siren, or exhaust whistle as may be reasonably necessary, and when the vehicle is equipped with at least one (1) lighted lamp displaying a red light or blue light visible under normal atmospheric conditions from a distance of five hundred (500) feet to the front of such vehicle.
- (e) No person shall purchase an emergency light as described in this section without furnishing the seller of such light an affidavit stating that the light will be used exclusively for emergency vehicle purposes.
- (f) No person or driver of a motor vehicle shall cross a street or thoroughfare in front of or in the path of an approaching emergency vehicle having its emergency lights on, at a distance of less than twelve hundred (1,200) feet.

(Ord. No. 285, §, 3-20-56; Ord. No. 409, §§ 1, 2, 11-26-57; Code 1965, § 52.10; Ord. No. 4038, § 1, 3-13-07)

State Law reference— Emergency vehicles, RSMo 300.100, 300.105, 304.022; sirens and flashing lights, RSMo 307.175.

Sec. 14-14. - Bus and truck lanes.

A zone is hereby created, extending from Rock Hill Road on the East, westwardly along Watson Road to the western city limits of the City, within which buses and trucks are required to stay within the outside or right lane when traveling in either direction along said road, and in said zone no bus or truck may pass another bus or truck.

(Ord. No. 4233, § 1, 2-9-10)

Editor's note— Ord. No. 4233, § , adopted Feb. 9, 2010, deleted former § 14-14, and enacted a new § 14-14 as set out herein. Former § 14-14 pertained to the same subject matter and derived from Ord. No. 381, § I, 6-25-57; Code 1965, § 52.18.

Sec. 14-15. - School crosswalks.

- (a) Crosswalks six (6) feet wide for the safety of school children and others going to and from school are hereby established at the following locations:
 - (1) Crestwood School: Extending from the east side of Sappington Road at the south driveway of Crestwood School westwardly across Sappington Road to the west edge of such road;
 - (2) Long School: Extending from the west side of Sappington Road at the south driveway of Long School eastwardly across Sappington Road to the east edge of such road;
 - (3) Our Lady of Providence School: Extending across Sunray Lane from north to south, just west of Chasebury Terrace.
 - (4) Truman Elementary School: Extending across Robyn Road from west to east, just south of Lowill Lane.
- (b) Drivers shall yield to any pedestrian by coming to a complete stop prior to entering the crosswalk. Drivers shall not proceed until all pedestrians have exited the crosswalk.
- (c) It shall be unlawful for the driver of any vehicle to pass another vehicle going in the same direction within one hundred (100) feet of any crosswalk.

(Code 1965, § 52.20; Ord. No. 1180, § 1, 3-10-70; Ord. No. 1321, § 1, 3-14-72; Ord. No. 4233, §§ 2—5, 2-9-10)

Sec. 14-16. - School crossing guards.

- (a) *Employment.* At designated school crossings, the board of aldermen, upon recommendation from the chief of police, may by order or resolution provide for a crossing guard to be employed by the city.
- (b) *Payment.* School crossing guards shall be paid by the hour and shall be compensated out of funds provided for in the police department budget, at a rate to be approved as part of the order approving the budget.
- (c) *Insignia.* At places where no school crossing has been designated by ordinance and the school authorities are of the opinion that a student patrol is necessary or advisable, such student patrol shall be equipped with flags or signs or wear such insignia as may indicate to motorists that they are there for the purpose of assisting children on their way to and from school or playgrounds.
- (d) *Duties.* School crossing guards or student patrols shall not wave or signal motorists through crossings where signs or school stop signs are located, and shall not directly supervise traffic except to signal motorists to stop as required for the protection of children, and motorists are required to obey such signals; and it is hereby made the duty of all motorists to drive carefully and keep their vehicles under complete control and to proceed near or through school or playground crosswalks and other crossings where student patrols or crossing guards are stationed, with the highest degree of care so as to avoid injury to children and others.
- (e) *Stopping.* When a school guard or student patrol is in the street for the purpose of guiding or escorting children at any crosswalk or school crossing or other place used by children on their way to and from school and playgrounds, motorists approaching the crossing shall stop at a safe distance from the crossing place, whether or not there is a school stop sign or other stop sign at or near such crossing, and shall not proceed until all of the children have safely crossed.

Badges. The police department is hereby authorized to include in its budget an amount to be approved by the board of aldermen for the purchase of appropriate badges to be worn by school crossing guards, and the chief of police is hereby authorized to distribute such badges to school guards employed by the city as herein provided. If approved in the budget, the police department may also furnish the crossing guards with caps of a police type to assist motorists in identifying the school crossing guards.

- (g) *Records.* The school crossing guards shall serve the hours designated by the chief of police, and he shall keep a record of the hours each school crossing guard is employed.

(Ord. No. 828, §§ 1—7, 6-23-64; Code 1965, § 52.19)

Sec. 14-17. - Processions.

- (a) It shall be unlawful for any person to conduct or to take part in, upon the streets of the city, any procession or parade comprising more than six (6) vehicles or a group of pedestrians more than eight (8) feet in width or more than forty (40) feet in length, under the direction of one (1) or more persons, except funeral processions, without having first obtained a permit from the chief of police, designating the street or streets such procession shall traverse, and the hours of the day within which the same shall proceed, and such procession or parade shall be conducted only in conformance with the terms of such permit.

- (b) The chief of police is hereby authorized to issue such permit with the written approval of the mayor.

(Ord. No. 20, § 35, 12-13-49; Code 1965, § 52.43)

State Law reference— Driving through procession, RSMo 300.310.

Sec. 14-18. - Reserved.

Editor's note— Ord. No. 4233, § 6, adopted Feb. 9, 2010, deleted § 14-18, which pertained to tampering with vehicles and derived from Ord. No. 20, § 58, 12-13-49; Code 1965, § 52.49.

Sec. 14-19. - Reserved.

Editor's note— Ord. No. 4233, § 7, adopted Feb. 9, 2010, deleted § 14-19, which pertained to throwing debris on street and derived from Ord. No. 20, § 59, 12-13-49; Code 1965, § 52.50.

Sec. 14-20. - Sales from vehicles on streets.

No sales of refreshments, commodities, food, merchandise or other activities and no displays or other commercial activities shall be carried on or conducted from any temporary stand, truck, cart or other vehicle on the right-of-way of any street, nor within thirty (30) feet thereof on private property, and no such stand or vehicle shall be parked or stop in such places for the purpose aforesaid; this does not prohibit the sale of home grown or raised produce on private property where grown or raised.

(Ord. No. 322, § 1, 7-31-56; Code 1965, § 52.53)

Sec. 14-21. - Buses.

- (a) The following definitions shall govern the construction and interpretation of this section:

Bus: School buses, public carriers and chartered buses.

Passengers: School children, fare paying passengers, passengers carried under contract and workmen and other persons not paying fares or other consideration.

- (b)

Every passenger carrying bus operated in or through the city shall have painted in yellow paint, a stripe at least one and one-half (1½) inches wide, on the floor of the bus, from one (1) side of the aisle to the other and behind the driver's seat, and shall have conspicuously posted within the bus a sign or placard warning all occupants of the bus that the ordinances of the city require them to stay behind such yellow stripe and containing such other information concerning the provisions of this section as may be deemed necessary or advisable, if any.

- (c) It shall be unlawful for any driver of a bus to drive such vehicle on the streets of the city with any passenger or passengers in front of the yellow stripe herein required, and no driver shall start any bus or put it into motion until all passengers and other occupants are behind the yellow stripe.
- (d) It shall be unlawful for any passenger to remain in front of the yellow stripe after being warned by the driver, except when in the act of entering or leaving the bus.
- (e) No bus shall be operated on the streets of the city which is so loaded with passengers that one (1) or more of them remain in front of the yellow stripe. If the police see any bus so overloaded they shall order passengers in front of the yellow stripe to leave the bus, and it shall be unlawful to refuse to comply with such order of the police.
- (f) Every bus used for the transportation of school children shall bear upon the front and rear thereon a plainly visible sign containing the words "School Bus" in letters not less than eight (8) inches in height. Each bus shall have lettered on the rear in plain and distinct type the following: "STATE LAW: Stop While Bus is Loading and Unloading." Each bus subject to the provisions of sections 304.050 to 304.070 of the Revised Statutes of Missouri shall be equipped with a mechanical and electrical signaling device, which will display a signal plainly visible from the front and rear and indicating an intention to stop. Every school bus driver intending to stop for the purpose of loading or unloading shall slow down and use such signal to indicate his intention to stop to load or unload.

(Ord. No. 447, §§ 1—5, 6-3-58; Code 1965, § 52.54; Ord. No. 1916, § 1, 7-12-83)

Sec. 14-22. - Railroad trains blocking streets.

It shall be unlawful for any railroad corporation to allow any train or car using its tracks within the city to block or to prevent the use of any street for purposes of travel for a period longer than five (5) minutes, except that this provision shall not apply to trains or cars in motion other than those engaged in switching. It shall be unlawful for any train or car to stop within an intersection or on a crosswalk for the purposes of receiving or discharging passengers or freight.

(Code 1965, § 52.52; Ord. No. 1161, § 1, 12-16-69)

State Law reference— Similar provisions, RSMo 300.360.

Sec. 14-23. - Pedestrians soliciting rides.

It shall be unlawful for any person to stand in a roadway for the purpose of soliciting a ride from the driver of any private vehicle.

(Ord. No. 20, § 16, 12-13-49; Code 1965, § 52.57)

Sec. 14-24. - Blind pedestrians.

Whenever a pedestrian is crossing or attempting to cross the regular line of traffic in a public street or highway, guided by a guide dog or carrying in a raised or extended position a cane or walking stick which is white in color or white tipped with red, the driver of every vehicle approaching that part of the intersection such pedestrian is attempting to enter or cross shall bring his vehicle to a full stop before

arriving at such place of crossing, and before proceeding shall take such precautions as may be necessary to avoid injuring such pedestrian. Nothing herein shall be construed to deprive any totally or partially blind person not carrying such a cane or walking stick or not being guided by a dog, of the rights and privileges conferred by law and this chapter upon pedestrians crossing streets or highways.

(Ord. No. 572, § 1, 4-19-60; Code 1965, § 52.58)

Sec. 14-25. - Bicycles and motorized bicycles.

(a) *Definitions.* As used in this section:

Bicycle shall mean every vehicle propelled solely by human power upon which any person may ride, having two (2) tandem wheels, except scooters and similar devices.

Motorized bicycle means any two-wheeled or three-wheeled device having an automatic transmission and a motor with a cylinder capacity of not more than fifty (50) cubic centimeters, which produces less than three (3) gross brake horsepower, and is capable of propelling the device at a maximum speed of not more than thirty (30) miles per hour on level ground.

(b) *Brakes.* Every bicycle and motorized bicycle shall be equipped with a brake or brakes which will enable its driver to stop the bicycle within twenty-five (25) feet from a speed of ten (10) miles per hour on a dry, level, clean pavement.

(c) *Lights; reflectors.* Every bicycle and motorized bicycle, when in use on an alley, street or highway during the period from one-half hour after sunset to one-half hour before sunrise, shall be equipped with the following:

- (1) A front-facing lamp on the front, or carried by the rider, which shall emit a white light visible at night on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at five hundred (500) feet;
- (2) A rear-facing red reflector on the rear, at least two (2) square inches in reflective surface area, which shall be visible at night on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at six hundred (600) feet;
- (3) Essentially colorless or amber reflectors on both the front and rear surfaces of all pedals. Each pedal reflector shall be recessed below the plane of the pedal or reflector housing. Each reflector shall have at least ninety/one-hundredths of one square inch in projected effective reflex area, and must be visible at night on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at two hundred (200) feet; and
- (4) A side-facing, essentially colorless, amber or red reflector mounted on the wheel rim or the spokes of each wheel within three (3) inches of the inside wheel rim, or continuous retroreflective material on each side of both tires which shall be at least three-sixteenths (3/16) of an inch wide. All such reflectors or retroreflective tire sidewalls shall be visible at night on a straight, level, unlighted roadway when viewed by a vehicle driver under the lower beams of vehicle headlights at three hundred (300) feet.

(d) *Operation.*

- (1) Every person operating a bicycle or motorized bicycle upon an alley, street or highway shall ride as near to the right side of the roadway as practicable except when placing such bicycle in position for and when such bicycle is lawfully making a left turn.

(2)

Every person operating a bicycle or motorized bicycle upon an alley, street or highway shall exercise due care when passing a standing vehicle or one proceeding in the same direction.

- (3) Whenever a usable path for bicycles, practical for sustained riding for transportation purposes, has been officially designated adjacent to a street or highway, bicycle riders shall use such path and shall not use the street or highway.
- (e) *Number of riders.* Each bicycle or motorized bicycle shall be ridden or operated by no more than the number of riders for whom seats are provided at the time of manufacture unless after manufacture the bicycle has been equipped with a child carrier. Each bicycle or motorized bicycle equipped with a child carrier after the time of manufacture shall be ridden or operated by no more than the number of riders for whom seats are provided at the time of manufacture, plus one (1) child; such child shall weigh no more than forty (40) pounds and shall be seated in the child carrier.

(Code 1965, § 52.59; Ord. No. 1912, § II, 7-12-83; Ord. No. 3986, § 1, 7-11-06)

State Law reference— Rights and duties of bicycle riders, RSMo 307.180 et seq.

Sec. 14-26. - Names on commercial vehicles.

Commercial motor vehicles must have the name of the owner painted thereon. No person owning any automobile, truck or other vehicle of any kind or character used for commercial purposes shall use such vehicle for commercial purposes upon the streets of this city unless there shall be painted thereon in a conspicuous place a sign stating the name and address of the owner or owners thereof in letters at least three (3) inches high. Such sign is not required upon automobiles or other vehicles used exclusively for the conveyance of passengers.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.67)

Sec. 14-27. - Size and weight of vehicles.

- (a) Except on Watson Road and any limited access state road where state regulations shall apply, it shall be unlawful to operate on, over or across any street in the city any vehicle, the width of which including load is greater than ninety-six (96) inches or the height of which including load is greater than twelve and one-half (12½) feet or the length of which including load is greater than thirty-five (35) feet and no combination of such vehicles coupled together of a total or combined length including coupling, in excess of forty-five (45) feet shall be operated on said streets, and not to exceed two (2) vehicles shall be operated in combination. These restrictions as to length shall not apply to vehicles temporarily towing for repair purposes cars that have become disabled upon the streets, provided that not more than one (1) car is being towed.
- (b) Except on Watson Road and any limited access state roads where state regulations shall apply, no motor drawn or propelled vehicle, or combinations thereof, shall be moved or operated on the streets of the city when the gross weight thereof, in pounds, shall exceed the weight computed by multiplying the distance in feet between the first and last axles of such vehicles or combinations of such vehicles plus forty (40) by seven hundred (700); nor shall the total gross weight, with load on any group of axles of a vehicle or combination of vehicles where the distance between the first and last axles of the group is eighteen (18) feet or less, exceed the weight, in pounds, computed by multiplying the distance in feet between the first and last axles of such group under consideration plus forty (40) by six hundred fifty (650). No vehicle having a greater weight than sixteen thousand (16,000) pounds on one (1) axle when the wheels attached to the axle are equipped with high pressure pneumatic, solid rubber or cushioned tires, and no vehicle or combination of vehicles shall be moved or operated

on the streets of the city having a greater weight than eighteen thousand (18,000) pounds on one (1) axle when the wheels attached to said axle are equipped with low pressure pneumatic tires, and no vehicle shall be moved or operated on the streets of the city having a load of over six hundred (600) pounds per inch width of tire upon any wheel concentrated on the surface of the street (said width in the case of rubber tires, both solid and pneumatic, to be measured between the flanges of the rim).

- (c) It shall be unlawful to drive, convey or operate upon, over or across any improved public street or other public place in the city, any wagon, engine, tractor, truck or vehicle of any kind having on its wheels any clamps, ridges, extensions, projections, bars, bolts, rods, curves, gutters or other contrivance that will cut or mash holes, gashes or crevices into the streets or otherwise tear up, injure or damage the street or any part thereof.
- (d) The director of public works, with the approval of the mayor, may issue permits for the operation of vehicles exceeding the limits specified in subsections (a) and (b) of this section and for the operation of vehicles designated in subsection (c) of this section, said permit to specify the terms and conditions under which such vehicles may be operated, and designate the street or streets over which such vehicles may be operated and the hours of the day between which such operation shall be permitted. Each applicant for a permit as herein provided, shall first pay to the city clerk/collector a fee of two dollars (\$2.00), receipt for which shall be presented to the director of public works before such permit is issued.
- (e) The director of public works, with the approval of the mayor, shall have the right to post notices on each end of any bridge in the city, stating the maximum load that may be permitted on such bridge, and whenever by reason of thawing of frost, or rains, or due to new construction or other reason, any street in the city shall be in a soft condition, the maximum gross weights of all vehicles, including load, mentioned in this section, including trucks, tractors, trailers, semitrailers and other vehicles therein mentioned to be operated on such street, may be limited by the director of public works to such an amount and in such manner as will preserve the street under such conditions; and the director of public works shall give, or cause to be given, due notice thereof by posting notices at convenient and public places along and near such street subject to said regulations.
- (f) It shall be unlawful for any person to fail to comply with the limitations or restrictions as to the use of such bridge or street as set forth in such notices.
- (g) Any person violating this section, whether operating under a permit or not, or who shall willfully or negligently damage a street of the city, shall be liable for the amount of such damage caused to any highway, street, bridge, culvert or sewer, and any vehicle causing such damage shall be subject to a lien for the full amount of such damage; provided, however, that such lien shall not be superior to any duly recorded or filed chattel mortgage or other lien previously attached to such vehicle. The amount of such damage may be recovered in an action in any court of competent jurisdiction, in the name of the state, for the use of the city.

(Ord. No. 20, § 57, 12-13-49; Code 1965, § 52.68; Ord. No. 1627, § 1, 9-28-76)

State Law reference— Weight of vehicles, RSMo 304.180.

Sec. 14-28. - Truck routes.

(a) The provisions of this section apply to all streets in the city except:

Grant Road

Sappington Road

Watson Road

Any limited access state road

- (b) Subject to the exceptions of this section, no person shall drive or park any motor vehicle having a total weight, whether loaded or not, of more than five (5) tons on the streets of the city, except by permit from the director of public works designating a route which will result in the least wear or damage to the streets.
- (c) It shall be the duty of subdividers, builders and other persons requiring operation in the city of motor vehicles weighing more than five (5) tons to apply to the director of public works for a permit as provided in this section.
- (d) It shall be the duty of the official issuing the permit to route such vehicles in a reasonably convenient manner, but he shall take into consideration the condition of the streets and the location of schools, playgrounds and residences, and he may from time to time alter the route upon reasonable notice to prevent continued wear and damage to street surfaces.

(Ord. No. 312, §§ 1—4, 7-24.56; Code 1965, § 52.69; Ord. No. 1627, § 1, 4-28-76)

State Law reference— Commercial vehicles may be prohibited on certain streets, RSMo 800.550.

Sec. 14-29. - Use of residential streets.

- (a) With the exceptions set forth in subsection (b), all public streets in the city and all streets which may be laid out, approved or constructed in the residential zones as fixed by the zoning ordinance of the city are declared to be residential streets and shall be limited to the use of private passenger vehicles, bicycles, pedestrians and buses, trucks and commercial vehicles having a definite business or destination in the city, and shall not be open to travel by buses, trucks or commercial vehicles not having business or destination in the city but traveling through the city to points outside the city.
- (b) Watson Road, Sappington Road, New Sappington Road, South Sappington Road, and that portion of Pardee Lane south of Watson Road to the south line of property zoned commercial or industrial are designated as through streets, open to all vehicular, pedestrian and bicycle traffic.
- (c) The director of public works shall cause signs to be erected at the entrance into the principal residential streets in the city, warning that through trucks and commercial vehicles and buses are prohibited from such streets, except for local deliveries and that through buses, trucks and commercial vehicles are prohibited.

(Ord. No. 181, §§ 1—3, 7-27-54; Code 1965, § 52.70; Ord. No. 1627, § 1, 9-28-76)

Cross reference— Zoning, Ch. 26.

Sec. 14-30. - Operator's financial responsibility.

- (a) Proof of financial responsibility shall be carried in all motor vehicles registered in the State of Missouri and operated in the City of Crestwood. The operator of such a motor vehicle shall exhibit said proof on the demand of any peace officer who lawfully stops the operator while that officer is engaged in the performance of the duties of his office;
- (b) As used in this section, proof of financial responsibility means proof of the ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of said proof, arising out of the ownership, maintenance or use of a motor vehicle. Said proof shall exhibit the extent of financial responsibility in dollar amounts not less than those required by Chapter 303, RSMo, as may be amended from time to time;

(c) The following items shall constitute proof of financial responsibility:

- (1) An insurance identification card furnished by an insurer issuing a liability policy insuring the motor vehicle subject to the peace officer's lawful stop. The insurance identification card shall include all of the following information:
 - a. The name and address of the insurer;
 - b. The name and address of the named insured;
 - c. The policy number;
 - d. The effective dates of the policy, including month, day, and year;
 - e. A description of the insured motor vehicle, including the year and make or at least five (5) digits of the vehicle identification number or the word "fleet" if the insurance policy covers five (5) or more vehicles;
 - f. The statement "This card must be carried in the insured motor vehicle for production upon demand" prominently displayed on the card.

A motor vehicle liability insurance policy, a motor vehicle liability insurance binder, or a receipt which contains the policy information required in this subsection shall be satisfactory evidence of insurance in lieu of an insurance identification card.

- (2) An insurance identification card furnished by the Missouri Director of Revenue to any self-insurer for each motor vehicle so insured, as provided for in Sections 303.024.4 and 303.220, RSMo., as may be amended from time to time. Such an insurance identification card shall include all of the following information:
 - a. The name and address of the self-insurer;
 - b. The word "self-insured";
 - c. The statement "This card must be carried in the self-insured motor vehicle for production upon demand" prominently displayed on the card.
- (3) A certificate furnished by the Missouri Treasurer, as provided for in Section 303.240, RSMo., as may be amended from time to time, establishing that the owner and/or operator of the motor vehicle subject to the peace officer's lawful stop has deposited with the Missouri Treasurer cash or marketable securities in an amount sufficient under said statute to satisfy an execution on a judgment issued against such person making the deposit for damages resulting from the ownership, maintenance, use or operation of said motor vehicle after such deposit was made.
- (4) Evidence of a surety bond filed with the Missouri Director of Revenue as provided by Section 303.230, RSMo., as may be amended from time to time.

(d) Any operator subject to a lawful stop who fails to exhibit proof of financial responsibility upon demand of the attendant peace officer shall, upon conviction, be punished as provided in section 1-6 or any other applicable section of the Municipal Code of the City of Crestwood.

(Ord. No. 3836, § 1, 5-25-04)

Sec. 14-31. - Operating motorized skateboards and motorized play vehicles; definitions, prohibitions; penalty.

- (a) *Purpose and intent.* It is the purpose and intent of this section to provide for the regulation of motorized skateboards and motorized play vehicles in order to protect the safety of pedestrians, bicyclists, motor vehicle drivers and operators of motorized skateboards and motorized play vehicles alike.

(b) *Definitions.* In this section, unless the context otherwise requires:

Motorized play vehicle means a coaster, scooter, any other alternatively fueled device, or other motorized vehicle that is self-propelled by a motor or engine, gas or electric, and which is not otherwise defined in the Crestwood Municipal Code as a "motor vehicle," "motorcycle," "motor-tricycle," or "motorized bicycle."

Motorized skateboard means a self-propelled device that has a motor, gas or electric, a deck on which a person may ride and at least two (2) tandem wheels in contact with the ground, and which is not otherwise defined in the Crestwood Municipal Code as "motor vehicle," "motorcycle," "motor-tricycle," or "motorized bicycle."

(c) *Prohibited operation.*

- (1) No motorized skateboard or motorized play vehicle may be operated on any public sidewalk, roadway, or any other part of a highway or on any bikeway, bicycle path or trail, equestrian trail, or shared-use path.
- (2) No motorized skateboard or motorized play vehicle may be operated on any private property of another without the written permission of the owner, the person entitled to immediate possession of the property, or the authorized agent of either.
- (3) No person shall operate a motorized skateboard or motorized play vehicle on any private property in a manner causing excessive, unnecessary, or offensive noise which disturbs the peace and quiet of any neighborhood or which causes discomfort or annoyance to a reasonable person of normal sensitivity.

(d) *Responsibilities of parents, guardians, and legal custodians.*

- (1) The parent, guardian, or legal custodian of any minor shall not authorize or knowingly permit such minor to violate any of the provisions of this section.
- (2) If a fine is imposed upon a minor who is found to be in violation of this section, the parents or legal guardian having custody or control of the minor shall be jointly and severally liable with the minor for payment of the fine, whether or not the parents or guardian knew of, or anticipated, a violation of this section.

(e) Any violation of this section is punishable as an ordinance violation pursuant to section 1-6 of the Crestwood Municipal Code.

(Ord. No. 3986, § 1, 7-11-06)

Secs. 14-32—14-45. - Reserved.

ARTICLE II. - TRAFFIC-CONTROL DEVICES

Sec. 14-46. - Signs—Placement.

(a) It shall be the duty of the director of public works to cause traffic signs to be erected in appropriate places, clearly visible to persons walking, riding or operating motor vehicles in the direction intended and required bylaw to be controlled, as follows:

- (1) At all entrances to the city and at all other appropriate places throughout the city, speed signs indicating the lawful speed limit on the streets where the signs are erected;
- (2) No parking signs;
- (3) Fire lane signs along streets or other ways designated as such;
- (4) At all lawfully established school zones and crosswalks;

- (5) At all lawfully designated safety zones;
 - (6) At all loading and unloading zones;
 - (7) At all service car stops, bus stops or taxicab stops;
 - (8) At all reasonable intervals along a street or portion thereof on which parking is prohibited;
 - (9) At every major street intersection and at stop and yield intersections;
 - (10) At appropriate places along one-way streets;
 - (11) At all legally established quiet or emergency zones;
 - (12) At all places where designated as caution or danger zones;
 - (13) At all intersections where left-hand turns are prohibited or other limited or special access to the intersection is provided;
 - (14) At all other places which may be provided for by lawful order or ordinance; and
 - (15) At all places where in the judgment of the director of public works it is necessary to warn, notify or caution pedestrians or drivers of vehicles of any kind or description of special conditions or traffic regulations.
- (b) The signs erected pursuant to this section shall bear such legend as is necessary to properly warn, caution or notify drivers of vehicles of the applicable traffic regulations provided by law.
- (Ord. No. 324, § 1, 7-31-56; Code 1965, § 52.12)

Sec. 14-47. - Same—Temporary disuse.

Upon the recommendation of the chief of police, the director of public works may, if it is necessary in his judgment for the protection of lives and property, authorize the police to put stop signs and other traffic signals regulating turns out of commission temporarily. Such signs shall be placed back in commission promptly upon written order from the director of public works to the chief of police when the emergency conditions no longer exist in the judgment of the director. During the period that such signs are out of commission they may be dismantled or turned away from the view of drivers of motor vehicles when capable of being so turned, or they may be shielded or masked.

(Ord. No. 638, 1-10-61; Code 1965, § 52.11)

Sec. 14-48. - Traffic-control signals.

- (a) *Intersections designated.* Intersections described in Schedule A1 are designated traffic-control intersections. The intersections described in Schedule A2 are designated cautious right turn on red light.
- (b) *Fire station stop signal.* A traffic signal is hereby authorized to be erected over Sappington Road in front of the fire station at 1495 South Sappington Road, which shall be activated by electric control to show a red stop sign only when fire vehicles are leaving or entering the fire station. At other times the signal may be off or may be equipped to show an amber flashing signal to caution the drivers of the proximity of the fire station. It shall be the duty of the director of public works to paint white lines across which the fire station is located, to designate the lines at which vehicles shall stop in obedience to the red light. It shall be the duty of all drivers of motor vehicles to stop their vehicles before reaching said white lines when the signal shows a red light as vehicles approach from either direction. It shall also be the duty of the director of public works to erect appropriate warning signs on Sappington Road to the north and south of the signal, so located that they shall caution and warn motor vehicle drivers of the existence of the traffic signal as they approach from either direction.

(Code 1965, § 52.12; Ord. No. 1282, § 1, 8-12-73)

Sec. 14-49. - Removal of signs and signals.

Every sign, signal, marking or device prohibited by this chapter is hereby declared to be a public nuisance, and the chief of police is hereby empowered to remove the same, or cause it to be removed, without notice.

(Ord. No. 20, § 10, 12-13-49; Code 1965, § 52.14)

State Law reference— Display of unauthorized signs, signals or markings, RSMo 300.175.

Sec. 14-50. - Reserved.

Editor's note— Ord. No. 4233, § 8, adopted Feb. 9, 2010, removed § 14-50, which pertained to designating crosswalks, safety zones, traffic lanes, from ch. 14. The former § 14-50 is now located in ch. 24 as § 24-40.

Sec. 14-51. - Closing streets.

The director of public works is authorized with the approval of the mayor to close any street, alley, public place or highway and withdraw the same from public use temporarily and during such period as public work thereon or other public emergency or expedience shall make such action necessary. No person shall use or attempt to use a street, alley, public place or highway so withdrawn from public use or drive or attempt to drive any vehicle or animal thereon. The director of public works shall place a sign or placard at each end of the portion withdrawn from public use, such placard or sign to have the following words printed thereon in letters three (3) inches high: "Street Closed. This street is closed to public use by authority of Municipal Code, Section 14-51."

(Ord. No. 20, § 62, 12-13-49; Code 1965, § 52.17)

Sec. 14-52. - Design of traffic-control signs, signals and devices.

All traffic-control signs, signals and devices to be used in the city shall conform to the manual and specifications approved by the State Highway Commission, except that those signs, signals or devices which are necessary in the city parks or at entrances to city parks may be of a different design compatible with the park setting so long as the message conveyed by said sign is clear and understandable.

(Ord. No. 3019, § 1, 7-28-87)

Secs. 14-53—14-70. - Reserved.

ARTICLE III. - RESERVED^[2]

Footnotes:

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Editor's note—Ord. No. 4182, § 1, adopted Apr. 14, 2009, repealed Art. III, §§ 14-71—14-74, which pertained to city license. See the Code Comparative Table for complete derivation.

Secs. 14-71—14-85. - Reserved.

ARTICLE IV. - EQUIPMENT^[3]

Footnotes:

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State Law reference— Vehicle equipment, RSMo Ch. 307.

Sec. 14-86. - Lights

No person shall drive, move, park or be in custody of any vehicle or combination of vehicles on any street or highway during the times when lighted lamps are required by law or this chapter unless such vehicle or combination of vehicles displays lighted lamps and illuminating devices as required by sections 307.020 to 307.127 of the Revised Statutes of Missouri.

(Ord. No. 20, § 55, 12-13-49; Code 1965, § 52.60)

State Law reference— Lights, when lit, RSMo 307.020, 307.040.

Sec. 14-87. - Signaling devices.

Every motor vehicle shall be equipped with a horn, directed forward, capable of emitting a sound adequate in quantity and volume to give warning of the approach of such vehicle to others using the street and to pedestrians. Such signal and device shall be used for warning purposes only and shall not be used for making any unnecessary noise. No other sound-producing signaling device shall be used at any time. Emergency vehicles of the fire department and underwriter salvage corps and vehicles being used by police officers in discharge of duty may use either a siren or bell; all other authorized emergency vehicles may use a bell or a horn only.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.61)

State Law reference— Signaling devices, RSMo 307.170.

Sec. 14-88. - Mufflers.

- (a) *Required.* Mufflers on motor vehicles must be so constructed that no discernible noise or sound from the motor shall emit therefrom, and it shall be unlawful for any person to alter or in any way change a muffler on a motor vehicle so as to cause a discernible noise or sound. It shall be the duty of operators of motor vehicles in the city at all times to keep and have mufflers in good working order, and the type of mufflers popularly known as the "Hollywood" muffler and similar types of mufflers are expressly prohibited.
- (b) *Cutouts.* Muffler cutouts shall not be used and no vehicle shall be in such manner or condition that excessive and unnecessary noises shall be made by its machinery, motor, signaling device or other parts, or by any improperly loaded cargo. The motors of all motor vehicles shall be fitted with properly attached mufflers of such capacity or construction as to quiet the maximum possible exhaust noise. Any cutout or opening in the exhaust pipe between the motor and the muffler on any motor vehicle shall be completely closed and disconnected from its operating lever, and shall be so arranged that it cannot automatically open or be opened or operated while such vehicle is in motion.

(Ord. No. 20, § 56, 12-13-49; Ord. No. 368, § 1, 5-21-57; Code 1965, § 52.62)

State Law reference— Muffler cutouts, RSMo 307.170.

Sec. 14-89. - Brakes.

All motor vehicles, except motorcycles and motortricycles, shall be provided at all times with two (2) sets of adequate brakes, kept in good working order, and motorcycles and motortricycles shall be provided with one (1) set of adequate brakes kept in good working order.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.63)

State Law reference— Brakes, RSMo 307.170.

Sec. 14-90. - Mirrors

All vehicles which are so constructed or loaded that the operator cannot see the road behind such vehicle by looking back or around the side of such vehicle shall be equipped with a mirror so adjusted as to reveal the road behind and be visible from the operator's seat.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.64)

State Law reference— Mirrors, RSMo 307.170.

Sec. 14-91. - Projections on vehicles.

Any vehicle carrying poles or other objects, which project more than five (5) feet from the rear or front of the vehicle, shall, during the period when lights are required, carry a red light at or near the rear end of the pole or other object projecting. At other times a red flag or cloth, not less than sixteen (16) inches square, shall be displayed at the end of such projection.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.65)

State Law reference— Objects projecting from vehicles, RSMo 307.170.

Sec. 14-92. - Towing vehicles.

When one (1) vehicle is being towed by another, they shall be coupled by a line so that the two (2) vehicles will be separated by not more than fifteen (15) feet and there shall be displayed on the tow line a white cloth or paper so that the same will be clearly visible to other users of the street. During the time lights are required, the required lights shall be displayed by both vehicles.

(Ord. No. 20, § 56, 12-13-49; Code 1965, § 52.66)

State Law reference— Towlines, RSMo 307.170.

Sec. 14-93. - Seat belts.

- (a) *"Passenger car" defined.* As used in this section, the term "passenger car" means every motor vehicle designed for carrying ten (10) persons or less and used for the transportation of persons; except that, the term "passenger car" shall not include motorcycles, motorized bicycles, motor tricycles and trucks.
- (b) *Required; exceptions.* Each driver, except persons employed by the United States Postal Service while performing duties for that federal agency which require the operator to service postal boxes from their vehicles, or which require frequent entry into and exit from their vehicles, and front seat passenger of a passenger car manufactured after January 1, 1968, operated on a street or highway in this city, shall wear a properly adjusted and fastened safety belt that meets federal National Highway, Transportation and Safety Act requirements; except that, a child less than four (4) years of age shall be protected as required in section 14-94 of this Code. Each driver of a motor vehicle transporting a child four (4) years of age or more, but less than sixteen (16) years of age, in the front seat of the motor vehicle shall secure the child in a properly adjusted and fastened safety belt. No person shall be stopped, inspected or detained solely to determine compliance with this subsection. The provisions of this section shall not be applicable to persons who have a medical reason for failing to have a seat belt fastened about his or her body.
- (c) *Violation; penalty.* Any person who violates any of the provisions of this section shall be guilty of an offense and, upon conviction, may be punished by a fine of not more than ten dollars (\$10.00). No court costs may be imposed for such violation, if court costs have been assessed on any other charge arising out of the same occurrence.

(Ord. No. 2025, § 1, 08-08-27)

Sec. 14-94. - Child passenger restraint systems.

- (a) *Required age of child.* Every person transporting a child under the age of four (4) years residing in this state shall be responsible, when transporting such child in a motor vehicle operated by that person on the streets or highways of this city, for providing for the protection of such child. When traveling in the front seat of a motor vehicle the child shall be protected by a child passenger restraint system approved by the Missouri department of public safety. When traveling in the rear seat of a motor vehicle the child shall be protected by either a child passenger restraint system approved by the Missouri department of public safety or the vehicle's seat belt. When the number of child passengers exceeds the number of available passenger positions, and all passenger positions are in use, remaining children shall be transported in the rear seat of the motor vehicle. The provisions of this section shall not apply to motor vehicles registered in another state, or to a temporary substitute vehicle.
- (b) *Violations; penalty.* Any person who violates the provisions of this section shall be guilty of an offense and, upon conviction, may be punished by a fine of not more than twenty-five dollars (\$25.00) and court costs.
- (c) *Exceptions.* The provisions of this section shall not apply to any public carrier for hire.

(Ord. No. 3025, § 2, 9-8-87)

Secs. 14-95—14-110. - Reserved.

ARTICLE V. - OPERATION OF VEHICLES^[4]

Footnotes:

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State Law reference— *Manner of operating vehicle, RSMo 304.010.*

Sec. 14-111. - Driving on roadway.

- (a) Where roads and streets are paved with two (2) or more lanes for traffic, drivers of vehicles shall drive only on the paved portion of the road; but when not paved, they shall drive on that portion of the road regularly used for vehicular traffic, and shall not drive vehicles on the shoulders of roads or in the area outside of curbs or between curbs and sidewalks.
- (b) It shall be unlawful for any person to shortcut an intersection by driving a vehicle off of the regularly traveled portion of streets and roads by cutting through private or public property not set aside and used regularly for street purposes in order to avoid obedience to a traffic sign or traffic signal, and the act of shortcutting a corner without stopping off of the street or road for a legitimate purpose shall be prima facie evidence of violation of this section.

(Ord. No. 451, § 1, 7-1-58; Code 1965, § 52.48)

Sec. 14-112. - Driving on right side of street.

- (a) *Required.* Upon all public roads or highways of sufficient width a vehicle shall be driven upon the right half of the roadway, except as follows:
 - (1) When overtaking and passing another vehicle proceeding in the same direction under the rules governing such movement;
 - (2) When placing a vehicle in position for and when such vehicle is lawfully making a left turn in compliance with this chapter;
 - (3) When the right half of a roadway is closed to traffic while under construction or repair; or

- (4) Upon a roadway designated by markings or signs for one-way traffic. In driving upon a one-way street, the operator shall drive as closely as practicable to the right-hand edge or curb of the roadway except when overtaking or passing or traveling parallel with another vehicle or when placing a vehicle in position to make a left turn.
- (b) *Bridges, tunnels, etc.* In approaching any bridge, viaduct or tunnel, or approaching or crossing a railroad right-of-way or an intersection of streets, the operator of a vehicle shall at all times cause such vehicle to travel on the right half of the roadway unless such right half is closed to traffic and for such reason impassable. This provision shall not apply upon a one-way street.
- (c) *Divided roadway.* It is unlawful for any person to drive any vehicle upon any highway or road which has been divided into two (2) or more roadways by means of a physical barrier or by means of a dividing section or delineated by curbs, lines or other markings on the roadway, except to the right of such barrier or dividing section, or to make any left turn or semicircular or U-turn on any such divided highway, except in a crossover or intersection.
- (d) *Signs.* The director of public works may erect signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the street, and peace officers may direct traffic in conformance with such signs. When authorized signs have been erected designating off-center traffic lanes, no person shall disobey the instructions given by such signs.
- (e) *Multi-laned roadway.* Whenever any roadway has been divided into three (3) or more clearly marked lanes for traffic, the following rules in addition to all others consistent herewith shall apply:
 - (1) A vehicle shall be driven as nearly as practicable entirely within a single lane and shall not be moved from such lane until the driver has first ascertained that such movement can be made with safety.
 - (2) Upon a roadway which is divided into three (3) lanes, a vehicle shall not be driven in the center lane, except when overtaking and passing another vehicle where the roadway ahead is clearly visible and such center lane is clear of traffic within a safe distance, or in preparation for a left turn or where such center lane is at the time allocated exclusively to traffic moving in the direction the vehicle is proceeding and is signposted to give notice of such allocation.
 - (3) Upon all streets, any vehicle proceeding at less than the normal speed of traffic thereon shall be driven in the right-hand lane for traffic or as close as practicable to the right-hand edge or curb, except as otherwise provided in this chapter.
 - (4) Official signs may be erected by the director of public works, or he may place temporary signs directing slow moving traffic to use a designated lane or allocating specified lanes to traffic moving in the same direction, and drivers of vehicles shall obey the direction of every such sign.
 - (5) Drivers of vehicles proceeding in opposite directions shall pass each other to the right, and except when a roadway has been divided into traffic lanes, each driver shall give to the other at least one-half (½) of the main traveled portion of the roadway whenever possible.

(Ord. No. 323, § 1, 7-31-56; Code 1965, § 52.24)

State Law reference— Drive on right half of street, RSMo 304.015.

Sec. 14-113. - Overtaking a vehicle.

- (a) *Generally.* The following rules shall govern the overtaking and passing of vehicles proceeding in the same direction, subject to the limitations and exceptions stated in this chapter:
 - (1)

A driver overtaking and desiring to pass a vehicle shall sound his horn before starting to pass. The horn shall be sounded only by a light touch, sufficient to warn the other person and need not be sounded if the other person obviously is aware of the driver's intention to pass.

- (2) The driver of a vehicle overtaking another vehicle proceeding in the same direction shall pass to the left thereof at a safe distance and shall not again drive to the right side of the roadway until safely clear of the overtaken vehicle.
 - (3) Except when overtaking and passing on the right is permitted, the driver of an overtaken vehicle shall give way to the right in favor of the overtaking vehicle on audible signal and shall not increase the speed of his vehicle until completely passed by the overtaking vehicle.
- (b) *Passing on right.* The driver of a motor vehicle may overtake and pass to the right of another vehicle only under the following conditions:
- (1) When the vehicle overtaken is making or about to make a left turn;
 - (2) Upon a street with unobstructed pavement of sufficient width for two (2) or more lines of vehicles in each direction;
 - (3) Upon a one-way street.

The driver of a vehicle may overtake and pass another vehicle upon the right only under the foregoing conditions when such movement may be made in safety. In no event shall such movement be made by driving off the paved or main traveled portion of the roadway. The provisions of this subsection shall not relieve the driver of a slow moving vehicle from the duty to drive as closely as practicable to the right-hand edge of the roadway.

- (c) *Visibility.* Except when a roadway has been divided into three (3) traffic lanes, no vehicle shall be driven to the left side of the center line of a highway or road in overtaking and passing another vehicle proceeding in the same direction unless such left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such overtaking and passing to be completely made without interfering with the safe operation of any vehicle approaching from the opposite direction or any vehicle overtaken.
- (d) *When prohibited.* No vehicle shall at any time be driven to the left side of the roadway under the following conditions:
- (1) When approaching the crest of a grade or upon a curve of the highway where the driver's view is obstructed within such distance as to create a hazard in the event another vehicle might approach from the opposite direction;
 - (2) When the view is obstructed upon approaching within one hundred (100) feet of any bridge, viaduct or tunnel, or when approaching within one hundred (100) feet of or at any intersection or railroad grade crossing.
- (e) *Yellow lines on roadway.* At tops of hills, around curves, at other obstructions or where it is determined by the board of aldermen that on portions of any street, road or highway the overtaking or passing of or driving to the left for passing in the opposite lane or lanes of travel would be especially hazardous, a yellow line shall be painted near or adjacent to the traffic stripe or center line dividing the lanes, indicating where no passing is permitted. Traffic shall not cross any yellow line which is in the right-hand area of traffic. The center line shall be designated by a white painted stripe. Where the no-passing provision applies only to traffic moving in one (1) direction, the yellow line shall be on the side of the center line on which the traffic to be controlled travels. On state and federal highways, the state highway commission is authorized to mark such yellow lines. All such lines established by the state

highway commission are hereby recognized and shall be observed by drivers of motor vehicles as though they had been established by the city. On other streets, roads and highways in the city, the location of the yellow lines shall be specified by ordinance. The yellow lines provided for in this section are established at the following locations:

- (1) On Watson Road in the city as placed by the state highway commission;
 - (2) On both sides of the center line of Old Sappington Road between its intersection with Watson Road and New Sappington Road; and
 - (3) On both sides of the center line of New Sappington Road, from Big Bend Boulevard to Eddie and Park Road.
- (f) *No-passing signs.* The director of public works shall cause to be installed no-passing signs along both sides of the roads on Old Sappington Road between Watson Road and New Sappington Road, and on New Sappington Road between Big Bend Boulevard and Eddie and Park Road. The director of public works shall install as many signs as in his discretion shall be necessary to sufficiently warn motorists that they are in the no-passing zone.

(Ord. No. 323, § 2, 7-31-56; Code 1965, § 52.25; Ord. No. 1105, § 1, 1-28-69; Ord. No. 1627, § 1, 9-28-76)

State Law reference— Passing generally, RSMo 304.016.

Sec. 14-114. - Distance at which vehicle must follow.

- (a) The driver of a vehicle shall not follow another vehicle more closely than is reasonably safe and prudent, having due regard for the speed of such vehicle and the traffic upon and the condition of the roadway. Vehicles being driven upon any street, in a caravan or motorcade, whether or not towing other vehicles, shall be so operated, except in a funeral procession or in a duly authorized parade, so as to allow sufficient space between each such vehicle or combination of vehicles as to enable any other vehicle to overtake or pass such vehicles in safety. This subsection shall in no manner affect the following regulation regulating to distance between trucks and buses traveling on the roadway.
- (b) The driver of any truck or bus, when traveling upon any street, highway, road or alley of the city, shall not follow within three hundred (300) feet of another such vehicle; provided, the provisions of this section shall not be construed to prevent the overtaking and passing by any such truck or bus, or another similar vehicle.
- (c) Nothing herein shall be construed to prohibit local delivery trucks from traveling in the same direction within three hundred (300) feet of one another for a distance of not more than five hundred (500) feet.
- (d) The term "bus" as used in this section means any vehicle or motor car designed and used for the purpose of carrying more than seven (7) persons. The term "truck" means any vehicle, machine, tractor, trailer or semitrailer, or any combination thereof, propelled or drawn by mechanical power and designed or used in the transportation of property upon streets, roads, highways or alleys.

(Ord. No. 323, § 3, 7-31-56; Ord. No. 327, § 1, 7-31-56; Code 1965, § 52.26)

State Law reference— Distance at which vehicle must follow, RSMo 304.017.

Sec. 14-115. - Right-of-way between vehicles.

- (a) The driver of a vehicle approaching an intersection shall yield the right-of-way to a vehicle which has entered the intersection from a different street where there is no form of traffic control at such intersection.
- (b)

When two (2) vehicles enter an intersection from different streets at approximately the same time, the driver of the vehicle on the left shall yield the right-of-way to the driver of the vehicle on the right. This subsection shall not apply to vehicles approaching each other from opposite directions when the driver of one (1) of such vehicles is attempting or is making a left turn.

- (c) The driver of a vehicle within an intersection intending to turn to the left shall yield the right-of-way to any vehicle approaching from the opposite direction which is within the intersection or so close thereto as to constitute an immediate hazard.
- (d) The driver of any vehicle shall stop as required by this chapter at the entrance to a through street and shall yield the right-of-way to other vehicles which have entered the intersection on the through street or which are approaching so closely on the through street as to constitute an immediate hazard. The director of public works may erect stop signs at the entrance of any public street into a through street.
- (e) The driver of a vehicle about to enter or cross a street from an alley, building or any private road or driveway shall yield the right-of-way to all vehicles approaching on said street.
- (f) The driver of a vehicle intending to make a left turn into an alley, building, private road or driveway shall yield the right-of-way to any vehicle approaching from the opposite direction when the making of such left turn would create a traffic hazard.

(Ord. No. 323, § 4, 7-31-56; Code 1965, § 52.27)

State Law reference— Similar provisions, RSMo 304.351.

Sec. 14-116. - Turning at intersections.

- (a) No vehicle in a residential district shall be turned left across the roadway so as to proceed in the opposite direction when any other vehicle is approaching from either direction where the same may create a traffic hazard.
- (b) The streets and intersections described in Schedule F are designated as no-left-turn intersections as indicated in the schedule.
- (c) Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection, at a clearly marked stop line, but if none, then before entering the intersection.
- (d) After stopping as required by paragraph (c), vehicular traffic facing a steady red signal may cautiously enter the intersection to make a right turn unless a sign is erected prohibiting such movement. Vehicular traffic entering the intersection to make a right turn on the steady red signal shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at the intersection.
- (e) The streets and intersections described in Schedule F1 are designated as no-right-turn-on-red intersections as indicated in the schedule.
- (f) The locations described in Schedule F2 are designated as no-right-turn locations.

(Ord. No. 323, § 5, 7-31-56; Code 1965, § 52.28; Ord. No. 1228, § 1, 9-22-70; Ord. No. 1493, § 1, 5-7-74; Ord. No. 1546, 12-10-74; Ord. No. 3332, § 1, 1-24-95)

State Law reference— Turns at intersections, RSMo 304.341.

Sec. 14-117. - U-turns.

- (a) It shall be unlawful for the driver of any vehicle to turn such vehicle so as to proceed in the opposite direction at any intersection controlled by a traffic signal or police officer; nor shall such turn be made at any place unless the movement can be made in safety and without interfering with other traffic.

The driver of a vehicle shall not turn such vehicle around so as to proceed in the opposite direction upon any curve or upon the approach to or near the crest of a grade, or at any place upon a roadway where such vehicle cannot be seen by the driver of any other vehicle approaching from either direction along the roadway within a distance of three hundred (300) feet, or where the same may create a traffic hazard, or in a congested district.

- (b) The turns referred to in this section shall be known as U-turns and said U-turns are specifically prohibited at the places listed under Schedule G.

(Code 1965, § 52.285; Ord. No. 1491, § 1, 5-7-74)

State Law reference— Similar provisions, RSMo 304.341; obedience to no-turn signs, RSMo 300.230; limitations on turning around, RSMo 300.235.

Sec. 14-118. - Hand and mechanical signals.

- (a) A driver when stopping, or when checking the speed of his vehicle, if the movement of other vehicles may reasonably be affected by such checking of speed, shall extend his arm at an angle below horizontal so that the same may be seen in the rear of the vehicle.
- (b) A driver intending to turn his vehicle to the right shall extend his arm at an angle above horizontal so that the same may be seen in front of and in the rear of his vehicle, and shall slow down and approach the intersecting street or highway as near as practicable to the right side of the street or highway along which he is proceeding before turning.
- (c) A driver intending to turn his vehicle to the left shall extend his arm in a horizontal position so that the same may be seen in the rear of his vehicle, and shall slow down and approach the intersecting street or highway so that the left side of his vehicle shall be as near as practicable to the center line of the street or highway along which he is proceeding before turning.
- (d) The signals required in this section shall be given either by means of the hand and arm or by a signal light or signal device in good mechanical condition of a type approved by the state highway patrol; however, when a vehicle is so constructed or loaded that a hand and arm signal would not be visible both to the front and rear of such vehicle, then such signals shall be given by such light or device. A vehicle shall be considered as so constructed or loaded that a hand and arm signal would not be visible both to the front and rear when the distance from the center of the top of the steering post to the left outside limit of the body, cab or load exceeds twenty-four (24) inches, or when the distance from the center of the top of the steering post to the rear limit of the body or load thereon exceeds fourteen (14) feet, which limit of fourteen (14) feet shall apply to single vehicles or combinations of vehicles. The provisions of this subsection shall not apply to any trailer which does not interfere with a clear view of the hand signals of the operator or of the signaling device upon the vehicle pulling said trailer; provided further that the provisions of this section as far as mechanical devices on vehicles so constructed that a hand and arm signal would not be visible both to the front and rear of such vehicle as above provided shall only be applicable to new vehicles registered within this state after January 1, 1954.

(Ord. No. 256, § 1, 11-8-55; Code 1965, § 52.29)

State Law reference— Hand and mechanical signals, RSMo 304.019.

Sec. 14-119. - Through streets; stop intersections.

Every vehicle shall be brought to a full and complete stop before entering or crossing any street or location in the city which is now or may hereafter be designated as a through street or as a stop intersection. Stop signs shall be erected at all such locations. The streets and locations designated as through streets or stop intersections are described in Schedule B.

(Code 1965, § 52.30; Ord. No. 1294, § 1, 9-28-71; Ord. No. 1442, § 1, 5-22-73; Ord. No. 1983, § 3, 12-11-84; Ord. No. 3360, § 1, 7-25-95)

State Law reference— Through streets designated, RSMo 300.255; signs required at through streets, RSMo 300.260.

Sec. 14-120. - Yield intersections.

- (a) Signs to be known as "yield" signs shall be erected in the city as provided in this chapter to control the movement of traffic. A driver of a motor vehicle, upon entering an intersection, from a street having a yield sign prominently displayed near the intersection, shall observe the traffic approaching from all directions, give the right-of-way to the traffic in the street about to be entered and shall operate his vehicle in entering such intersection with the highest degree of care and caution at a speed of not more than fifteen (15) miles per hour.
- (b) The intersections described in Schedule C are designated yield intersections as indicated.

(Code 1965, § 52.31; Ord. No. 1357, § 1, 6-27-72)

State Law reference— Yield intersections, RSMo 300.265.

Sec. 14-121. - One-way streets.

Upon any street designated as a one-way street, traffic shall move only in the indicated direction. A sign indicating the direction of traffic shall be erected and maintained at every intersection where movement in the opposite direction is prohibited.

(Ord. No. 20, § 31, 12-13-49; Code 1965, § 52.35)

State Law reference— One-way streets and alleys, RSMo 300.240 et seq.

Sec. 14-122. - Obstruction to driver's view or driving mechanism.

- (a) The driver of any vehicle shall not drive the same when such vehicle is so loaded or is in such physical condition, or when there are in the front seat of such vehicle such number of persons, as to obstruct the view of the driver to the front or sides, or to interfere with the driver's control over the driving mechanism of the vehicle.
- (b) A passenger in a vehicle shall not ride in such position as to interfere with the driver's view ahead or to the sides, or to interfere with the driver's control over the driving mechanism of the vehicle.

(Ord. No. 20, § 41, 12-13-49; Code 1965, § 52.39)

Sec. 14-123. - School buses; certain vehicles approaching railroad crossings.

- (a) The driver of a vehicle upon a street in the city upon meeting or overtaking from either direction any school bus which has stopped on the street for the purpose of receiving or discharging any schoolchildren and whose driver has in the manner prescribed by law given the signal to stop shall stop the vehicle before reaching such school bus and shall not proceed until such school bus resumes motion, or until signaled by its driver to proceed. The provisions of this section shall apply to all school buses marked in accordance with the provisions of section 304.050, RSMo.

For the purpose of this section, a school bus shall be deemed to be on the street if it has stopped for the purpose of receiving or discharging any schoolchildren within the right-of-way lines of the street or highway, or on what is generally designated as the "shoulder" of the road, if within ten (10) feet of the paved surface of the road.

- (c) Every motor vehicle transporting passengers for hire, every school bus and every motor vehicle transporting high explosives or poisonous or compressed inflammable gases, and every motor vehicle used for the transportation of inflammable or corrosive liquids in bulk, whether loaded or empty, shall, upon approaching any railroad grade crossing, be brought to a full stop within fifty (50) feet, but no less than ten (10) feet, from the nearest rail of such railroad crossing, and shall not proceed until due caution has been taken to ascertain that the course is clear; provided, that such full stop shall not be required at a railroad grade crossing protected by a watchman or traffic officer on duty.

(Ord. No. 320, § 4, 7-31-56; Code 1965, § 52.55; Ord. No. 1917, § 1, 7-12-83)

State Law reference— School buses, RSMo 304.050 et seq.; stopping at railroad crossings, RSMo 304.030 et seq.

Sec. 14-124. - Stopping at grade crossings generally.

The driver of a vehicle, before crossing at grade any track or tracks of any steam railway shall stop such vehicle not less than ten (10) feet from the nearest rail of such track and while so stopped shall listen and look in both directions along such track for approaching steam trains or cars before traversing such crossing. The provisions of this section shall not apply if the crossing is protected by a gate or a watchman. The director of public works is hereby authorized to post proper stop signs at all crossings where drivers of vehicles are required to stop by the foregoing provisions.

(Ord. No. 20, § 52, 12-13-49; Code 1965, § 52.44)

State Law reference— Railroad crossings, RSMO 304.030 et seq.

Sec. 14-125. - Driving while intoxicated or with excessive blood alcohol content; testing.

- (a) *Definitions.* As used in this section the following terms shall have these prescribed meanings:

Drive, driving, operates or operating: Physically driving or operating a motor vehicle.

Intoxicated condition: A person is in an "intoxicated condition" when he/she is under the influence of alcohol, a controlled substance, or drug, or any combination thereof.

- (b) *Driving while intoxicated or with excessive blood alcohol content.*

- (1) *Generally.* A person commits the offense of "driving while intoxicated" if he/she operates a motor vehicle while in an intoxicated and/or drugged condition.
- (2) *Driving with excessive blood alcohol content.* A person commits the offense of "driving with excessive blood alcohol content" if he/she operates a motor vehicle in this city with eight-hundredths of one (0.08) percent or more by weight of alcohol in his/her blood.
- (3) *Penalties.* Any person convicted of or pleading guilty to either of the above-described offenses shall be subject to the penalties set forth in chapter 1, section 1-6 of the Municipal Code of the City of Crestwood, plus any costs authorized by law.

- (c) *Chemical tests for alcohol content of blood.* Consent implied (when); administered (when, how); and videotaping of chemical or field sobriety test admissible evidence:

- (1) Any person who operates a motor vehicle upon the public highways of this state or any street in this city shall be deemed to have given consent to, subject to the provisions of sections 577.020 to 577.041 RSMo, a chemical test or tests of the person's breath, blood, saliva or urine for the purpose of determining the alcohol or drug content of the person's blood pursuant to the following circumstances:
- a. If the person is arrested for any offense arising out of acts which the arresting officer had reasonable grounds to believe were committed while the person was driving a motor vehicle while in an intoxicated condition; or
 - b. If the person is under the age of twenty-one (21), has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person was driving a motor vehicle with a blood alcohol content of two-hundredths of one (.02) percent or more by weight; or
 - c. If the person is under the age of twenty-one (21), has been stopped by a law enforcement officer, and the law enforcement officer has reasonable grounds to believe that such person has committed a violation of the traffic laws of the state, or of the city, and such officer has reasonable grounds to believe, after making such stop, that such person has a blood alcohol content of two-hundredths of one (.02) percent or greater; or
 - d. If the person is under the age of twenty-one (21), has been stopped at a sobriety checkpoint or roadblock and the law enforcement officer has reasonable grounds to believe that such person has a blood alcohol content of two-hundredths of one (.02) percent or greater.

The test shall be administered at the direction of the law enforcement officer whenever the person has been arrested or stopped for any reason.

- (2) The implied consent to submit to the chemical tests listed in subparagraph (1) of this subsection shall be limited to not more than two (2) such tests arising from the same arrest, incident or charge.
 - (3) Chemical analysis of the person's breath, blood, saliva, or urine to be considered valid pursuant to the provisions of sections 577.020 to 577.041 RSMo, shall be performed according to methods approved by the state department of health by licensed medical personnel or by a person possessing a valid permit issued by the state department of health for this purpose.
 - (4) Upon the request of the person who is tested, full information concerning the test shall be made available to him/her.
 - (5) Any person given a chemical test of the person's breath pursuant to subparagraph (1) of this subsection or a field sobriety test, may be videotaped during any such test at the direction of the law enforcement officer. Any such video recording made during the chemical test pursuant to this subsection or a field sobriety test, shall be admissible as evidence at either any trial of such person for either a violation of any state law or county or municipal ordinance, or any license revocation or suspension proceeding pursuant to the provisions of Chapter 302, RSMo.
- (d) *Chemical tests, results admitted into evidence, when, effect of.*
- (1) Upon the trial of any person for violation of any of the provisions of this section, the amount of alcohol in the person's blood at the time of the act alleged as shown by any chemical analysis of the person's blood, breath, saliva or urine is admissible in evidence and the provisions of subsection (5) of section 491.060 RSMo, shall not prevent the admissibility or introduction of such

evidence if otherwise admissible. It shall be prima facie evidence that the person was intoxicated if such person has eight-hundredths of one (.08) percent or more by weight of alcohol in such person's blood.

- (2) Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred (100) milliliters of blood or grams of alcohol per two hundred ten (210) liters of breath.
- (3) The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question whether the person was intoxicated.
- (4) A chemical analysis of a person's breath, blood, saliva or urine, in order to give rise to the presumption or to have the effect provided for in subparagraph (1) of this subsection, shall have been performed as provided in sections 577.020 to 577.041 RSMo, and in accordance with methods and standards approved by the state department of health.

(e) *Alcoholic beverages in vehicles.*

- (1) No person shall transport an open container of an alcoholic beverage in a motor vehicle traveling upon the streets or highways of this city except in the original container which shall not have been opened and the seal upon which shall not have been broken, unless the opened container be in a compartment outside of the passenger compartment of the vehicle which is not accessible to the driver or any other person in such vehicle while it is in motion.
- (2) No person shall consume any alcoholic beverage while operating a moving motor vehicle upon the streets and highways of this city.
- (3) Nothing in this section shall be construed as to prohibit the otherwise legal consumption of alcoholic beverages by passengers on a privately or publicly owned transit authority that has been chartered and is not utilized for conveyance of the general public, where the operation and control of such conveyance is by a person not in possession of or with ready access to such alcoholic beverage. This section shall not apply to the living quarters of a recreational motor vehicle.
- (4) A violation of this section (e) shall be punishable by a fine of not less than twenty-five dollars (\$25.00) and not more than fifty dollars (\$50.00) or incarceration for a period not to exceed ninety (90) days, or a combination of both fine and incarceration.

(Ord. No. 20, § 53, 12-13-49; Code 1965, § 52.45; Ord. No. 1985, §§ 1, 2, 12-11-84; Ord. No. 3838, § 1, 5-25-04; Ord. No. 4073, § 1, 7-24-07)

State Law reference— Similar provisions, RSMo 577.010.

Sec. 14-125.1. - Reserved.

Editor's note— Ord. No. 4073, § 1, adopted July 24, 2007, repealed § 14-125.1, which pertained to driving with excessive blood alcohol content. See also the Code Comparative Table.

Sec. 14-125.2. - Prior and persistent offenders.

- (a) As used in this section, the term "intoxication-related traffic offense" is driving while intoxicated, driving with excessive blood alcohol content or driving under the influence of alcohol or drugs in violation of state law or municipal or county ordinance.
- (b) As used in this section, a "persistent offender" is one who has pleaded guilty to or has been found guilty of two (2) or more intoxication-related traffic offenses committed at different times within ten (10) years of a previous intoxication-related traffic offense conviction.

(c)

As used in this section, a "prior offender" is one who has pleaded guilty to or has been found guilty of an intoxication-related traffic offense within five (5) years of a previous intoxication-related traffic offense conviction.

- (d) Any person arrested under the provisions of section 14-125 above, who is a prior or persistent offender, shall, by the officer so arresting such person, be charged under the appropriate state statutes, and such charge shall be submitted to the prosecuting attorney of St. Louis County for appropriate action.

Sec. 14-125.3. - Recoupment of fees in alcohol or drug related traffic offenses.

Upon a plea of guilty or a finding of guilty for an offense of violating the provisions of section 14-125 of the Municipal Code of the City of Crestwood involving alcohol or drug related traffic offenses, the municipal court may, in addition to imposition of any penalties provided by law, order the convicted person to reimburse the Crestwood Police Department for the costs associated with such arrest. Such costs shall include the reasonable cost of making the arrest, including the cost of any chemical test made under this section to determine the alcohol or drug content of the person's blood, and the costs of processing, charging, booking and holding such person in custody. The police department may establish a schedule of such costs; however, the municipal court may order the costs reduced if it determines that the costs are excessive.

(Ord. No. 3837, § 1, 5-25-04)

Sec. 14-126. - Blocking intersection.

When a line of traffic in which a motor vehicle is proceeding is stopped by traffic signals, police officers or otherwise, the driver of each vehicle in the line is charged with the duty of bringing his vehicle to a halt, if possible, in such manner that it will not obstruct crosswalks and ingress to and egress from intersecting streets or alleys or entrances or exits of parking lots, or of the city fire department or governmental buildings. The stopping of a vehicle contrary to the foregoing provision shall in itself not be prima facie evidence of violation of this provision and conviction of violation shall depend upon evidence that the operator of the vehicle in the exercise of reasonable care could have stopped his vehicle in conformity with the requirements of this provision.

(Ord. No. 479, § 1, 10-14-58; Code 1965, § 52.47)

State Law reference— Stop while traffic obstructed, RSMo 300.290.

Sec. 14-127. - Traffic island.

All vehicular traffic shall drive to the right of the island located at the intersections of Trelane and Volz Drives in the city. All vehicular traffic is prohibited from driving to the left of the island.

(Code 1965, § 52.205; Ord. No. 1192, §§ 1, 2, 5-20-70)

Sec. 14-128. - Speed limits.

- (a) *Generally.* Unless otherwise specified by this chapter, no person shall operate or drive a motor vehicle (except emergency vehicles on emergency runs) on any street in the city, at any time, at a rate of speed in excess of twenty (20) miles per hour unless a higher maximum rate of speed applicable to certain designated portions of specific streets is fixed by ordinance and marked by signs erected at the beginning and end of such designated portions of such streets.

(b)

School zones. No person shall operate or drive a motor vehicle in a legally designated school zone at a rate of speed in excess of twenty (20) miles an hour, except that on Sappington Road the school zone speed limit shall be twenty-five (25) miles per hour. Legally designated school zones within the city are as follows:

Crestwood Elementary:	Sappington Road from Reco Avenue to Elmont Lane
Long Elementary:	Sappington Road from Craigwood Terrace to Eddie and Park
Our Lady of Providence:	Pardee Road from Sunray Lane to Tremont Circle Drive Sunray Lane from Pardee Road to Cassia Court
Truman Elementary:	Robyn Road from Eddie and Park to Glenfield Terrace

School zone speed limits on Sappington Road shall only be in effect when the yellow warning lights are flashing. School zone speed limits in all areas other than Sappington Road shall be in effect only from 7:00 a.m. to 5:00 p.m. on days when school is in session.

- (c) *Commercial vehicles.* Except on Watson Road, no person shall operate a commercial motor vehicle having a rated live load capacity of more than two (2) tons at a rate of speed exceeding fifteen (15) miles per hour.
- (d) *Iron tires.* No person shall operate a motor vehicle equipped with iron or other metal tires on any street in the city without a special permit from the director of public works, which permit shall prescribe the route and other conditions under which the vehicle may be operated, and no such vehicle shall travel in excess of ten (10) miles per hour on any street unless so directed by the police.
- (e) *Advertising vehicles.* No person shall operate or drive a vehicle used primarily for advertising purposes or display posters or placards or any article for the inspection of the public on such vehicle or as a part thereof at a rate of speed less than fifteen (15) miles per hour, and the operator of such vehicle shall move the same continuously and shall not stop the same except when ordered by any police officer or in obedience to traffic signals or signs. The permit for such vehicles shall be issued by the city clerk/collector at a cost of one dollar (\$1.00) per day, and it shall be unlawful to operate such a vehicle without a permit.
- (f) *Excessively slow speed.* It shall be unlawful for any person to drive at such a slow speed or in such position on the roadway as to impede or block the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation, or because upon a grade, or in compliance with law. Traffic and police officers are hereby authorized to enforce this provision by directions to operators, and in the event of apparent willful disobedience to this provision and refusal to comply with the direction of an officer in accordance herewith the continued slow operation by an operator shall be unlawful and constitute an offense.
- (g) *Speed signs.* It shall be the duty of the director of public works to post signs at all entrances to the city showing the speed limits, and where there is a change in the lawful speed limit for a portion of a street or in traveling from one (1) street to another, the change shall be clearly and legibly shown on

signs of a design as set forth in section 14-52 of this chapter.

- (h) *Specific speed limits.* No person shall drive a vehicle in excess of the speed limits set forth in Schedule H of this chapter.

(Ord. No. 397, § 1, 9-24-57; Ord. No. 681, § 1, 10-10-61; Code 1965, § 52.22; Ord. No. 1448, § 1, 6-26-73; Ord. No. 1533, 10-22-74; Ord. No. 1593, 2-10-76; Ord. No. 1627, 9-28-76; Ord. No. 1753, § 1, 8-28-79; Ord. No. 1762, § 1, 10-9-79; Ord. No. 1983, § 2, 12-11-84; Ord. No. 3019, § 2, 7-28-87; Ord. No. 4125, § 1, 4-22-08; Ord. No. 4233, § 16, 2-9-10)

State Law reference— Speed regulations, RSMo 300.205 et seq.

Sec. 14-129. - Careless, imprudent and reckless driving.

- (a) *Degree of care.* Every person operating a motor vehicle on the streets of the city or on parking lots located in the city shall operate or drive the same in a careful and prudent manner, and shall exercise the highest degree of care, and at a rate of speed so as not to endanger the property of another or the life or limb of any person.
- (b) *Charges.* In the summons, complaint or information charging a person with violation of subsection (a) of this section, the offense shall be described as "careless and imprudent driving" or as "careless and reckless driving" as hereinafter defined and shall be followed by a brief statement of the acts alleged to have been committed in such violation. It shall be unlawful for any person to operate or drive a motor vehicle on the city streets or parking lots located in the city in either a careless and imprudent manner or in a careless and reckless manner.
- (c) *Definitions.* Careless and imprudent driving shall include, but shall not be limited to, the following:
- (1) Driving a motor vehicle at an excessive speed when said speed is not clocked;
 - (2) Alternately starting and stopping a motor vehicle;
 - (3) Rapidly accelerating a motor vehicle from a stop or low speed up to or in excess of the lawful speed;
 - (4) Driving a motor vehicle in such a fashion as to cause its tires to make excessive noise or to cause chat or gravel from the driving surface to be thrown or expelled from its present location or to leave tire marks on pavement;
 - (5) Repeatedly changing lanes in which a motor vehicle is being driven, commonly known as weaving;
 - (6) Any other violation of subsection (a) of this section which does not include imminent danger to the lives of others or their property or injury to other persons and/or damage to their property.
- (d) *Violations.* The charge of "careless and reckless driving" shall consist of any violation of subsection (a) or (c) which involves imminent danger to the lives of others or their property or injury to other persons and/or damage to their property.

(Code 1965, § 52.21; Ord. No. 1266, § 1, 5-11-71)

Sec. 14-130. - Drag racing.

- (a) The board of aldermen finds, determines and declares that drag racing as defined in this section, on the public streets and ways of the city, has an adverse effect upon the peace and good government and welfare of the city and its trade and commerce in that it disturbs the inhabitants and others in the city and interferes with the peaceful and quiet enjoyment of their homes and businesses, decreases

property values, creates dangerous and hazardous conditions in the public streets of the city and, unless prohibited, will result in the presence and congregation in the city of an undesirable class of persons with resulting mischief and misbehavior.

- (b) Drag racing is also known as "dragging," "peeling" or "hot rodding" and by various other designations and consists of the operator of a motor vehicle engaging in the act, while on the public streets and ways of the city, of accelerating the speed of the vehicle from a stop or low speed to a high or much greater velocity over a short period of time and distance, usually for the purpose of determining or observing the maximum speed that can be reached by the vehicle engaged in the act through constant and uninterrupted acceleration, and sometimes to determine or observe the distance required to attain a certain speed from a stop or low starting speed. Drag racing also includes contests between two (2) or more motor vehicles, in which the vehicles involved compete in the foregoing act or acts.
- (c) Drag racing as herein defined is prohibited in the city.

(Ord. No. 767, § 1, 4-23-63; Code 1965, § 52.23)

Sec. 14-131. - Leaving scene of accident.

No person operating a vehicle on the streets, knowing that an injury has been caused to a person or damage has been caused to property due to culpability of said operator or to accident shall leave the place of said injury, damage or accident without stopping and giving his name, residence, including city and street number, motor vehicle number and chauffeur's or registered operator's number, if any, to the injured person or to the operator or owner of the damaged vehicle, or to a police officer or if no police officer is in the vicinity, then to the nearest police station or judicial officer.

(Ord. No. 20, § 54, 12-13-49; Code 1965, § 52.46)

Sec. 14-132. - Driving while license or driving privilege is canceled, suspended or revoked.

No person shall operate any motor vehicle upon a street, highway or roadway within the city while that person's license or driving privilege is canceled, suspended or revoked and before an official reinstatement notice or termination notice is issued by the Director of Revenue of the State of Missouri, pursuant to state laws, whether that person's license or driving privilege is that of a resident or non-resident of the State of Missouri. The Municipal Court of the City of Crestwood shall not suspend the imposition of sentence nor suspend execution of the sentence of such person, nor shall such person be eligible for probation until such person has served a minimum of forty-eight (48) hours of imprisonment unless, as a condition of such probation, the court assesses a special deterrent payment to be made to the city in such amount as the municipal judge deems appropriate to ensure the person will not again violate the law, provided such amount shall not exceed the maximum fine that could be levied for conviction of said offense, and/or the person is directed to perform at least forty (40) hours of community service.

(Ord. No. 3778, § 1, 4-22-03)

Sec. 14-133. - Sun screening devices.

- (a) Any person may operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, that has a light transmission of thirty-five (35) percent or more plus or minus three (3) percent and a luminous reflectance of thirty-five (35) percent or less plus or minus three (3) percent. Except as provided in subsection (c) of this section any sun screening device applied to front sidewing

vents or windows located immediately to the left and right of the driver in excess of the requirements of this section shall be prohibited without a permit pursuant to a physician's prescription as described below. A permit to operate a motor vehicle with front sidewing vents or windows located immediately to the left and right of the driver that have a sun screening device, in conjunction with safety glazing material, which permits less light transmission and luminous reflectance than allowed under the requirements of this subsection, may be issued by the State of Missouri Department of Public Safety to a person having a serious medical condition which requires the use of a sun screening device if the permittee's physician prescribes its use. The permit shall allow operation of the vehicle by any titleholder or relative within the second degree by consanguinity or affinity, which shall mean a spouse, each grandparent, parent, brother, sister, niece, nephew, aunt, uncle, child, and grandchild of a person, who resides in the household. Except as provided in subsection (b) of this section, all other sun screening devices applied to the windshield of a motor vehicle are prohibited.

- (b) This section shall not prohibit labels, stickers, decalcomania, or informational signs on motor vehicles or the application of tinted or solar screening material to recreational vehicles as defined in RSMo 700.010, provided that such material does not interfere with the driver's normal view of the road. This section shall not prohibit factory-installed tinted glass, the equivalent replacement thereof or tinting material applied to the upper portion of the motor vehicle's windshield which is normally tinted by the manufacturer of motor vehicle safety glass.
- (c) Any vehicle licensed with a historical license plate shall be exempt from the requirements of this section.

(Ord. No. 4042, § 1, 4-10-07)

Sec. 14-134. - [Violations—Registration and licensing of motor vehicles.]

No person shall violate any provision of RSMo Ch. 301, §§ 301.002 through 301.4000 (2008) pertaining to the registration and licensing of motor vehicles. Each such section of RSMo Ch. 301 (2008) is adopted and incorporated herein and shall establish separate offenses in the same manner as if fully set forth.

(Ord. No. 4149, § 1, 11-25-08)

Sec. 14-135. - [Violations—Driver's and commercial driver's licenses.]

No person shall violate any provision of RSMo Ch. 302, §§ 302.010 through 302.782 (2008) pertaining to drivers' and commercial drivers' licenses. Each such section of RSMo Ch. 302 (2008) is adopted and incorporated herein and shall establish separate offenses in the same manner as if fully set forth.

(Ord. No. 4149, § 1, 11-25-08)

Sec. 14-136. - [Violations—Motor vehicle responsibility laws.]

No person shall violate any provision of RSMo Ch. 303, §§ 303.010 through 303.415 (2008) pertaining to motor vehicle responsibility laws. Each such section of RSMo Ch. 303 (2008) is adopted and incorporated herein and shall establish separate offenses in the same manner as if fully set forth.

(Ord. No. 4149, § 1, 11-25-08)

Sec. 14-137. - [Violations—Traffic regulations generally.]

No person shall violate any provision or requirement of RSMo Ch. 304, §§ 304.001 through 304.705 (2008) pertaining to traffic regulations generally. Each such section of RSMo Ch. 304 (2008) is adopted and incorporated herein and shall establish separate offenses in the same manner as if fully set forth.

(Ord. No. 4149, § 1, 11-25-08)

Sec. 14-138. - [Violations—Vehicle equipment regulations.]

No person shall violate any provision or requirement of RSMo Ch. 307, §§ 307.010 through 373.782 (2008) pertaining to vehicle equipment regulations. Each such section of RSMo Ch. 307 (2008) is adopted and incorporated herein and shall establish separate offenses in the same manner as if fully set forth.

(Ord. No. 4149, § 1, 11-25-08)

Secs. 14-139—14-150. - Reserved.

ARTICLE VI. - PARKING^[5]

Footnotes:

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Cross reference— *Parking in gasoline filling stations, § 13-93; abandoned vehicles, § 16-29; parking in parks, § 17-10.*

Sec. 14-151. - Owner's responsibility.

If any vehicle is found upon a street in violation of any provision of this chapter regulating the stopping, standing or parking of vehicles and the identity of the operator cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

(Ord. No. 20, § 65, 12-13-49; Code 1965, § 52.81)

Sec. 14-152. - Unattended vehicles.

No person having control or charge of a motor vehicle shall allow such vehicle to stand in any street unattended by a licensed driver without first setting the brakes thereon, stopping the motor, removing the ignition keys from the vehicle and, when standing upon a perceptible grade, without turning the front wheels of the vehicle toward the nearest, if any, curb or the near side of the roadway.

(Ord. No. 575, § 2, 4-19-60; Code 1965, § 52.71)

Sec. 14-153. - Standing or parking close to curb.

(a) Except when necessary in obedience to traffic regulations or traffic signs or signals, the operator of a vehicle shall not stop, stand or park such vehicle in a roadway other than parallel with the edge of the roadway, heading in the direction of traffic, and with the curbside wheels of the vehicle within one (1) foot of the edge of the roadway, except as follows:

- (1) Upon those streets which have been marked or posted with signs for angle parking, a vehicle shall be parked at the angle to the curb indicated by such marks or signs.
- (2) In places where, and at hours when, stopping for the loading or unloading of merchandise or materials is permitted, a vehicle used for the transportation of merchandise or materials may back into the curb to take on or discharge loads, when the owner of such vehicle holds a permit granting him such special privilege and provided further that such permit shall be either in the possession of the operator or on the vehicle at the time such vehicle is backed against the curb to take on or discharge a load, and it shall be unlawful for any owner or operator to violate any of the special terms or conditions of any such special permit.

(b) The director of public works, with the consent of the board of aldermen, shall determine upon what streets angle parking shall be permitted and shall mark or post signs on such streets

- (c) The chief of police may issue to any owner of a vehicle used to transport merchandise or materials a special permit, in no event to be for a period longer than one (1) day and to state therein the terms and conditions thereof, allowing the operator of such vehicle the privilege of loading and unloading while the vehicle is backed against the curb, if in the opinion of the chief of police such privilege is reasonably necessary in the conduct of the owner's business and will not seriously interfere with traffic.

(Ord. No. 20, § 27, 12-13-49; Code 1965, § 52.72)

State Law reference— Method of parking, RSMo 300.415 et seq.

Sec. 14-154. - Loading or unloading in certain places.

- (a) The director of public works with the consent of the board of aldermen shall have authority to determine the location of passenger zones and loading zones and shall erect and maintain or cause to be maintained appropriate signs indicating the same.
- (b) The operator of a vehicle shall not stop, stand or park a vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers in any place marked as a passenger zone.
- (c) The operator of a vehicle shall not stop, stand or park a vehicle for a period of time longer than is necessary for the expeditious loading or unloading of passengers, or for the unloading and delivery or pick up and loading of materials, in any place marked as a loading zone. In no case shall the stop for loading and for unloading of materials exceed fifteen (15) minutes. This subsection shall not be applicable between the hours of 6:00 p.m. and 6:00 a.m.

(Ord. No. 20, § 21, 12-13-49; Code 1965, § 52.73)

State Law reference— Permits for loading or unloading at angle to curb, RSMo 300.430; stopping for loading or unloading, RSMo 300.485 et seq.

Sec. 14-155. - Bus stops; service car stops; taxicab stands.

- (a) The chief of police, with the consent of the board of aldermen, is hereby authorized and required to establish bus stops, service car stops and taxicab stands on such public streets, in such places and in such number as shall be determined to be of the greatest service and convenience to the public, and every such bus stop, service car stop and taxicab stand shall be designated by appropriate signs.
- (b) The driver of any vehicle other than a bus shall not stand or park in an officially designated bus stop. The driver of any vehicle other than a service car shall not stand or park in an officially designated service car stop. The driver of any vehicle other than a taxicab shall not stand or park in any officially designated taxicab stand. The driver of any passenger vehicle may temporarily stop in any such stop or stand for the purpose of and while actually engaged in the loading or unloading of passengers.
- (c) It shall be unlawful for the operator of any bus, taxicab or service car to stand or park upon any street in any congested district at any place other than at a bus stop, taxicab stand or service car stop, respectively, except that this provision shall not prohibit the driver of any vehicle from temporarily stopping in accordance with other stopping or parking regulations at any place for the purpose of and while actually engaged in loading or unloading passengers.

(Ord. No. 20, §§ 22—24, 12-13-49; Code 1965, § 52.74)

Sec. 14-156. - Parking vehicle for sale or advertising.

- (a) No person shall park upon a street any vehicle displayed for sale.
- (b) No person shall park on any street any vehicle for the primary purpose of displaying advertising

(c) On Watson Road, no person shall park a vehicle for sale or for display advertising closer than fifteen (15) feet from the pavement of the street.

(Ord. No. 20, §§ 28, 29, 12-13-49; Code 1965, § 52.76; Ord. No. 1627, § 1, 9-28-76)

State Law reference— Parking for certain purposes prohibited, RSMo 300.455.

Sec. 14-157. - No parking zones.

When signs are erected giving notice thereof, no person shall park a vehicle in those areas designated in Schedule D where such areas are designated no parking at any time or in those areas where parking is prohibited for a specific time.

(Code 1965, § 52.79; Ord. No. 1111, § 1, 4-22-69; Ord. No. 1130, § 1, 6-10-69; Ord. No. 1983, § 4, 12-11-84)

Sec. 14-158. - Fire lanes.

In order to regulate properly the movement of traffic in the city and to facilitate the rapid and unobstructed passage of fire apparatus, certain streets and drives are hereby established as fire lanes, as designated in Schedule E of this chapter, and, when so marked with appropriate signs, parking is hereby prohibited in the places designated in Schedule E.

(Code 1965, § 52.791; Ord. No. 1375, § 1, 8-8-72; Ord. No. 1983, § 5, 12-11-84)

Sec. 14-159. - Parking after snowfall.

(a) Whenever there has been an accumulation of snow of one (1) inch or more, or ice or freezing rain, within the city, parking on any street for which the city provides snow removal operations, shall be limited to one (1) side of the street only, until snow removal operations are complete and the weather emergency has ended. The side of the street on which parking shall be allowed is determined as follows: During the winters which begin in even-numbered years, parking shall be limited to the side of the street immediately adjacent to the even-numbered addresses and during winters which begin in odd-numbered years, parking shall be limited to the side of the street immediately adjacent to the odd-numbered addresses. For those streets on which parking is already restricted on one (1) side, this section will not apply and parking during snow, ice or freezing rain shall be limited to the side of the street that is not restricted.

(b) Any person who shall violate any provision of this section shall, upon conviction, be subject to the penalties provided for violation of city ordinances.

(Ord. No. 4187, § 1, 5-12-09)

Editor's note— Ord. No. 4187, § 1, adopted May 12, 2009, repealed former § 14-159, and enacted a new § 14-159 as set out herein. The former § 14-159 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 14-160. - Parking commercial vehicles.

Drivers of buses and commercial vehicles are prohibited from parking or stopping for more than one (1) hour on the streets of the city except when actually being used or engaged in the transaction of business. In any case for good, valid and sufficient reasons, other than mere convenience or accommodation for stopping such a vehicle in such place for more than one (1) hour, the driver shall apply to the chief of police for a permit, which shall be issued without cost, authorizing the vehicle to stop

or park for a period of more than one (1) hour. The director of public works is hereby directed to post metal, permanent traffic signs in at least eight (8) conspicuous places in the city, giving notice of the provisions of this section.

(Ord. No. 461, § 1, 8-12-58; Code 1965, § 52.80)

Sec. 14-161. - Parking in private yards.

- (a) The board of aldermen hereby finds and determines that the indiscriminate parking and stopping of motor vehicles on lawns of residences, and between the curb and sidewalk and on sidewalks, adversely affects the appearance of neighborhoods to the extent of decreasing property values; decreases the desirability of locating businesses in the city; creates problems for fire apparatus in emergencies and requires regulation by the city for maintaining the peace and good government and welfare of the city and its trade and commerce.
- (b) No automobiles, trucks, trailers or other motor vehicles shall be parked or stopped in the front yard of any residential or other building or in the side yard next to the street in case of corner lots, except on a parking area or drive having a durable surface as required by the ordinances of this city for parking and driveway, except as provided in subsection (c); and no automobile, trucks, trailers or other motor vehicles shall be parked or stopped along any street with any portion of the motor vehicle on the area between curb and sidewalk nor on sidewalks.
- (c) In cases of emergency or hardship on the owner or occupant of residential property, said owner or occupant may make application to the police chief for a permit, that it be granted because of an emergency situation or to prevent a hardship. The police chief shall issue said permit for a period of not longer than thirty (30) days, and upon such terms and conditions as may be proper under the circumstances.

(Code 1965, § 52.801; Ord. No. 1497, § 1, 5-7-74)

Cross reference— Driveways, § 7-11.

Sec. 14-162. - Vehicle watchers.

No person shall solicit the privilege of watching or guarding a vehicle while it is parked on any street of the city.

(Ord. No. 20, § 17, 12-13-49; Code 1965, § 52.82)

Sec. 14-163. - Impounding vehicles.

- (a) *Authorization.* Members of the police department may remove a vehicle from a street to the nearest garage or other place of safety, or to a garage designated or maintained by the police department, or may arrange with a private hauling or towing business to so remove a vehicle from a street under the following circumstances:
 - (1) When any vehicle is so parked as to block the entrance to or the exit from a private or public driveway;
 - (2) When a vehicle is so disabled as to constitute an obstruction to traffic and the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal;
 - (3) When any vehicle is left unattended upon a street and is so parked illegally as to constitute a definite hazard or obstruction to the normal movement of traffic;
 - (4)

When any vehicle is involved in an accident or violation of the law or of the ordinances of the city and the driver is arrested or has abandoned the vehicle; or

- (5) When a motor vehicle is left on private property other than that of the owner or driver of the vehicle without the consent of the owner or of the person having the right to the use of such private property on which the vehicle is left.
- (b) *Notice.* Whenever an officer removes a vehicle from a street or private property and the officer knows or is able to ascertain from the registration records the name and address of the owner thereof, such officer shall give or cause to be given notice in writing to such owner of the fact of such removal and the reasons therefor, and of the place to which such vehicle has been moved. In the event any such vehicle is stored in a public garage, a copy of such notice shall be given to the proprietor of such garage.
- (c) *Notice to state.* Whenever an officer removes a vehicle and does not know and is not able to ascertain the name of the owner, or for any other reason is unable to give the notice to the owner as hereinbefore provided, and in the event the vehicle is not returned to the owner within a period of three (3) days, the officer shall immediately send or cause to be sent written report of such removal by mail to the state official whose duty it is to register motor vehicles, and shall file a copy of such notice with the proprietor of any public garage in which the vehicle may be stored. Such notice shall include a complete description of the vehicle, the date, time and place from which removed, the reasons for such removal and the name of the garage or place where the vehicle is stored.
- (d) *Redemption.* The owner may redeem the motor vehicle impounded within a period of thirty (30) days from the date it is taken into custody, upon payment of an impounding fee of one dollar (\$1.00) and repayment to the city for any costs it may have incurred in removing and storing such motor vehicle.
- (e) *Sale of vehicle.* In the event of the failure of the owner to redeem the motor vehicle within such period of time, the chief of police is hereby authorized in behalf of the city to sell the property, after at least three (3) days' notice of the time, place and the terms of the sale have been posted in at least five (5) public places in the city, to the highest and best bidder for cash. Out of the proceeds of sale there shall be turned over to the city finance officer/treasurer the impounding fee and costs of removal and storage and of the holding of the sale, if any, and the balance, if any, shall be tendered to the owner, if known. If the owner cannot be found within a period of ninety (90) days after the sale, or if the owner refuses or fails to accept the tender, the chief of police shall pay over such balance, if any, to the city finance officer/treasurer for municipal purposes. If the motor vehicle is unsaleable, the chief of police may give it away or destroy it. The city may bid on and become the purchaser of any such motor vehicle offered for sale.
- (f) *Deficiency on sale.* If the owner of the motor vehicle impounded does not redeem it and if it is impossible to realize the full amount of the impounding, removal and storage charges and other expenses out of the sale of the motor vehicle, the owner of the motor vehicle shall be liable to the city for the balance remaining due to it, and such balance may be recovered in a civil action before any court of competent jurisdiction.
- (g) *Title.* The sale or giving away of a motor vehicle under this section shall pass good and full title thereto.

(Ord. No. 363, §§ 1—9, 4-30-57; Code 1965, § 52.83)

State Law reference— When police may remove vehicle, RSMo 300.595.

Sec. 14-164. - Parking lots; drive-ins; private ways.

(a) *Definitions.* The following definitions shall apply in the construction of this section:

Drive-in: A place where the occupants of motor vehicles are served while seated in the vehicle, including drive-in theaters, restaurants and filling stations.

Parking lot: An area on public or private property where spaces are provided gratuitously or for hire for the parking of motor vehicles; provided that, nothing herein shall be construed to include driveways or other portions of single-family residential lots used by the occupant and his invitees for parking automobiles, nor spaces on public streets where parking is permitted.

Private ways: Private streets and alleys, roadways and driveways at tourist courts, trailer camps, hotels and multiple-family dwellings and entrance drives into garages, repair shops and other mercantile business, commercial and industrial establishments.

(b) *Traffic regulations applicable.* Every person driving a vehicle in a parking lot, drive-in or private way as herein described shall drive the same in a careful and prudent manner and shall exercise ordinary care, and at a rate of speed not in excess of twenty (20) miles per hour and at such lesser speed when required so as not to endanger the property of another or the life or limb of any person, taking into consideration the amount of vehicular and pedestrian traffic, the visibility and atmospheric conditions and the condition of the pavement. All regulations provided by this chapter applicable to motor vehicles on public streets with respect to signaling, lights, backing, turning and sounding of horns shall apply to persons driving vehicles in such places.

(c) *Loading zones; stopping at exits.* No person shall park or leave his vehicle in any parking lot, drive-in or private way in any space or so as to block or prevent the full and complete use of any space set aside by the owner of the property for loading or unloading, and the driver of a vehicle leaving a parking lot, drive-in or private way shall bring the vehicle to a full and complete stop before entering any street. The director of public works is authorized to erect stop signs at all exits from parking lots, drive-ins and private ways at the entrance to any street, or may authorize such signs to be erected by the owner of the property, and such stop signs whether erected by the city or by the owner shall constitute notice of the provisions of this section.

(d) *Driving lanes; parking spaces.* In any parking lot, drive-in or private way where lanes are marked for driving motor vehicles, they shall be observed, and where spaces are marked for the parking of automobiles, vehicles shall be parked in accordance therewith and without encroaching upon drives, reserved spaces or other parking spaces. Drivers of vehicles in such places are required to enter and leave parking spaces with extreme caution so as to avoid injury or damage to persons and property, and vehicles shall not be parked, stopped or operated in such manner as to block or unnecessarily hold up or delay the normal movement of other vehicles. Where fire hydrants are installed on the premises, no motor vehicle shall be parked within ten (10) feet of a hydrant or in such manner as to block access thereto by personnel and equipment of the fire department.

(Ord. No. 404, § 1, 10-22-57; Ord. No. 730, §§ 1, 2, 5-1-62; Code 1965, § 52.84)

Sec. 14-165. - Improper use of parking lots.

(a) It shall be unlawful for any person or persons to park or leave unattended any vehicle or vehicles on any commercial, industrial or public parking lot within the city, unless such vehicle or vehicles are so parked or left unattended within spaces properly designated for the parking of vehicles.

(b) This section shall not apply to commercial trucks or vehicles while loading or unloading goods, wares or merchandise to establishments or institutions served by the particular parking lot.

(Code 1965, § 52.841; Ord. No. 1495, §§ 1, 2, 5-7-74)

Sec. 14-166. - Parking prohibited on streets undergoing repair.

- (a) Parking is prohibited on any street on which street repairs or improvements are being made during the period that such work is being performed.
- (b) Reasonable prior notice shall be given by the department of public works to the residents along a street where street repairs or improvements are being made. The term, reasonable prior notice, shall include a letter or other written notice delivered to each home, not less than forty-eight (48) hours prior to the commencement of such work. Such notice shall inform the residents as to the anticipated time when street repairs or improvements will commence on such street, that no parking on such street is permitted while such work is in process, that failure to comply with such no parking restriction shall authorize city personnel to cause said vehicle to be towed, that such failure is a violation of this section and that a violation shall subject the resident to the penalties provided by this section.
- (c) Signs shall be posted at each end of a street on which repairs or improvements are being made that parking is prohibited.
- (d) In the event that vehicles are parked on the street during the period that repairs or improvements are being made, city personnel are hereby authorized to cause any such vehicle to be removed from such street and towed. Notice shall be given to the owner of such vehicle, as prescribed by state law that the vehicle has been removed and towed and the location to which the vehicle has been towed and that the owner of such vehicle may reclaim it upon proof of ownership and payment of all reasonable charges for the towing and storage of such vehicle.
- (e) In addition, any person violating the no parking restriction shall, upon conviction thereof, be subject to the penalties provided for violation of a city ordinance.

(Ord. No. 3581, §§ 1—5, 8-24-99)

Sec. 14-167. - Permit parking district.

- (a) *Definitions.* For the purpose of this section, the following words and phrases shall have the following meanings:

Residential district shall mean an area within one thousand (1,000) feet of any existing or future section(s) of the recreational trail known as "Grant's Trail" as delineated by the director of public works.

Permit parking district shall mean a residential district in which parking is prohibited except in accordance with this section.

Visitor shall mean a person who stays temporarily at a residence but is domiciled elsewhere outside the residential district.

- (b) *Parking in permit parking districts.* Whenever the board of aldermen, of its own initiative or upon a petition signed by at least thirty (30) percent of the property owners on a block within the residential district as determined by the director of public works, shall determine that the street(s) of a particular block of the residential district is/are being used for parking by the operators of motor vehicles who are nonresidents of the residential district, the board of aldermen may by ordinance prohibit parking in a particular area within the residential district (the "permit parking district") during hours specified

by the board. In such cases, the board of aldermen shall cause appropriate signs, which give notice of the prohibition, to be posted on those streets restricting all parking, except parking by holders of permits granted under the following conditions:

- (1) There may be issued one (1) color-coded permit for each vehicle belonging to a resident owner who resides in the permit parking district.
- (2) Each residence within a permit parking district shall be issued two (2) visitors permits. Such permits shall be limited to that particular permit parking district for a stated period not to exceed one (1) year. One (1) additional permit for visitors to a particular residence within a permit parking district may be issued for a stated period but not more than thirty (30) days.

Permits shall be color-coded to identify the permit parking district in which they shall be valid for parking. Each permit parking district shall be assigned a different color or series of colors for permits issued under this section for the purpose of identifying the districts in which such permits apply.

(c) *Exceptions.*

- (1) The parking prohibitions contained herein shall not apply to service or delivery vehicles which are being used to provide services or make deliveries in a permit parking district.
- (2) A petition requesting the exception of a particular block within the residential district subject to the provisions herein, signed by more than fifty (50) percent of the residents of that block, will authorize the city administrator to except that particular block from the restricted parking regulations set forth herein.

(d) *Issuance of permits to residents.*

- (1) After the board of aldermen adopts an ordinance designating a permit parking district, the city clerk shall issue parking permits to the residents of that district. This issuance shall take place upon proof of the applicant's residence.
- (2) Whenever a person is no longer a resident of Crestwood, the person holding such a permit issued under this section shall surrender it to the city clerk or his or her authorized representative. No permit issued hereunder shall be valid for more than one (1) year, but may be renewed upon its expiration, provided that the conditions for the eligibility continue to exist.
- (3) It shall be unlawful for any person to represent that he or she is entitled to such a permit when he or she is not so entitled or to fail to surrender a permit to which he or she is no longer entitled. It shall also be unlawful for any person to park a vehicle displaying such a permit at any time when the holder of such permit is not entitled to hold it.

(e) *Issuance of permits to visitors.* On the application of any resident of the permit parking district, the city clerk or his or her authorized representative shall issue two (2) visitor permits limited to a particular residence in the particular permit parking district. These visitor permits shall be for a period of no more than one (1) year. One (1) additional visitor permit may be issued to a particular residence within such permit parking district and shall be limited to a period of no more than thirty (30) days. Notification of all visitor permits issued shall be provided to the chief of police.

(f) *Special events parking.* The city administrator may waive the enforcement of the residential permit parking system in any permit parking district for the purpose of providing parking for special events. Normally this waiver will be valid for one (1) day only, but in no event for more than three (3) consecutive days.

(g)

Parking signs. Following the adoption of the ordinance designating an area a permit parking district, the public works director shall cause parking signs to be posted in the district indicating the parking restrictions. It shall be unlawful thereafter to park in these districts without a permit.

- (h) *Changing permit parking district boundaries.* Following the designation of a permit parking district, the board of aldermen, upon receipt of a petition signed by more than fifty (50) percent of the residents of a block contiguous to the district may by ordinance alter the boundaries of the district to include it within any such block.
- (i) *Penalties.* Any person who shall violate any provision of this section shall, upon conviction, be subject to the penalties provided for violation of city ordinances.

(Ord. No. 3709, § 1, 2-12-02)

Secs. 14-168—14-174. - Reserved.

Sec. 14-175. - Recreational vehicle parking.

(a) *Definitions:* The following definitions apply to this section:

- (1) *Boat:* Any object that has the intended use of transporting people on water. This shall include, but is not limited to, houseboats, speedboats, fishing boats, canoes, paddleboats, personal watercraft, and yachts.
- (2) *Motorized construction equipment:* Any device that has the intended use of moving dirt, materials and/or completing other construction activities. This includes, but is not limited to, skid loaders, backhoes and bulldozers.
- (3) *Recreational vehicle, (RV):* A vehicle structure without permanent foundation, which can be driven or towed and is primarily designed and constructed to permit occupancy for use as a temporary dwelling or sleeping quarters for one (1) or more persons for recreational, camping or travel purposes.
- (4) *Trailer:* Any object without motor power designed for carrying property on its own structure and for being drawn by a self-propelled vehicle.
- (5) *Vehicle accessories:* Items which can be attached to a vehicle to be used for storing or transporting objects. This includes, but is not limited to, campers, camper shells, luggage racks, and sports equipment racks.

(b) *Restrictions:*

- (1) RVs, trailers, and boats must be stored in an enclosed area or on an asphalt, concrete or paving stone surface in the side or rear yard behind the front building line. In the case of a corner lot, the side yard will also be considered a front yard.
- (2) Vehicle accessories must be stored in an enclosed area or attached to a licensed vehicle in the manner for which they are intended to be used.
- (3) Motorized construction equipment must be stored in an enclosed area.
- (4) A resident owner or lessee is allowed to park a licensed RV on a residential street for purposes of loading and unloading only, but not to exceed forty-eight (48) hours at a given time. Visitors of residents are allowed to park a licensed RV on a residential street or in a driveway for up to seven (7) days in a calendar year, with an RV parking permit issued by the police department.
- (5) Parking of trailers, boats, motorized construction equipment, and vehicle accessories is not allowed on residential streets. Trailers and boats on trailers may be parked on a residential street for a period not to exceed seventy-two (72) hours if the trailer is attached to a licensed vehicle.

Visitors of residents are allowed to park trailers and boats on trailers, if attached to a licensed vehicle, on a residential street or in a driveway for up to seven (7) days in a calendar year, with a parking permit issued by the police department.

- (6) The foregoing notwithstanding, RV's, trailers, and boats may be parked in the front driveway by a resident owner or lessee, for purposes of loading and unloading only, but not to exceed seventy-two (72) hours at any given time.
- (c) *Applicability to current RV, boat and trailer owners.* City of Crestwood resident owners or lessees who are RV, boat or trailer owners at the time this section becomes effective [November 17, 2003], will not be subject to the restrictions set forth in subsection (b)(1), so long as said RV, boat or trailer owner registers the RV, boat or trailer with the city clerk on or before December 31, 2003. This exemption also applies to any resident owner or lessee, with a properly registered RV, boat or trailer hereunder, who acquires a new or replacement RV, boat or trailer, provided the new or replacement RV, boat or trailer is of the same kind, and general size and character.
- (d) *Penalties.* Any person who shall violate any provision of this section shall, upon conviction, be subject to the penalties provided for violation of city ordinances.

(Ord. No. 3806, § 1, 11-11-03)

Secs. 14-176—14-180. - Reserved.

ARTICLE VII. - SCHEDULES

Sec. 14-181. - Schedule A1; traffic control intersections.

In accordance with section 14-48, traffic at the following intersections shall be controlled by traffic-control signals when such signals are in operation:

New Sappington Road and Hartsdale Avenue-Old Sappington Road;

Sappington Road and driveway at Crestwood Plaza;

Sappington Road at Elmont Drive;

Sappington Road at Grant's Trail;

Sappington Road and driveway at Long School;

Sappington Road and Rayburn Avenue;

Sappington Road at Reco Drive;

Sappington Road and Twincrest Drive;

Watson Road and east entrance of the Crestview Shopping Center;

Watson Road and east entrance of the Crestwood Plaza Shopping Center;

Watson Road and Glenwood Drive;

Watson Road and Grant Road;

Watson Road at Grant's Trail;

Watson Road and Pardee Lane;

Watson Road and New Sappington Road;

Watson Road and Sappington Road;

Watson Road and Sturdy Road;

Watson Road and Watson Industrial Court.

(Ord. No. 1383, § 1, 9-12-72; Ord. No. 1559, § 2, 2-24-76; Ord. No. 1568, § 2, 4-8-75; Ord. No. 1599, 2-24-76; Ord. No. 4233, § 10, 2-9-10)

Sec. 14-182. - Schedule A2; turns at lights.

Traffic north and southbound on Sappington Road at Twincrest Drive may make a cautious right turn east into Twincrest Drive and west into Crestwood Bank building parking lot on red light. The most easterly lane and the most westerly lane on Sappington Road at Twincrest Drive shall be designated as right turn only. The director of public works shall see that signs are posted notifying the public of the right turn on red light and shall have the two (2) lanes mentioned marked to show right turn only.

(Ord. No. 1381, 9-12-72; Ord. No. 1383, § 1, 9-12-72)

Sec. 14-183. - Schedule B; through streets and stop intersections.

In accordance with section 14-119, traffic shall stop at the following intersections as indicated:

Through Traffic On	Stop Signs Facing Traffic On
Acorn Drive	Oakridge Avenue, southbound
Barberton Drive	Sturdy Drive, southbound
Big Bend Road	All intersecting streets
Blackthorn Drive	Lantana [Drive], northbound Blackthorn Drive, northbound and Southbound
Briarton Drive	Liggett Drive, southbound and northbound
Briarton Drive	Trelane, westbound
Capilia Drive	Rock Forest Drive, northbound and southbound
Clover Lane	Sanders Drive, southbound and northbound
Conover Lane	Sanders Drive, southbound
Craigwood Terrace	Tea Rose Lane, northbound and southbound

Crest Oak Lane	Amberley Drive, westbound
Crest Oak Lane	East Watson Road, eastbound and westbound
Crest Oak Lane	Harwich Drive, east and westbound
Crestwood Drive	Foxpark Drive, northbound
Curwood Drive	Sanders Drive, northbound and southbound (at north end)
Del Vista Drive	Glenwood Drive, northbound and southbound
Diversey Drive	Briarton Drive, eastbound and northbound
Diversey Drive	Leawood Drive, eastbound
Diversey Drive	Ferndale, eastbound and westbound
Dublin Drive	Larsen Lane, eastbound
East Watson Road	All intersecting streets (except Watson Ridge Drive)
Eddie & Park Road	All intersecting streets
Eddie & Park Road	Pardee Road, southbound
Etherton Drive	Westglen Drive, southbound and northbound stop at north end of Etherton Drive, westbound stops at south end of Etherton Drive
Ferndale Avenue	Briarton Drive, northbound
Ferndale Avenue	Diversey Drive, northbound and southbound
Fournier Drive	Hutchins Drive, eastbound
Fox Park Drive	Crestwood Drive, eastbound
Garber Road	All intersecting streets (except Sappington Road)
General Grant Lane	Sunray Lane, eastbound and westbound
	Missy Court, eastbound
Glenfield Terrace	Manda Lane, northbound and southbound

Glenwood Drive	East Watson Road, eastbound and westbound
Glenwood Drive	Del Vista Drive, eastbound
Grant Road	Ridgewood Drive, eastbound
Grant Road	Grantway Court, eastbound
Grant Road	Ulysses Court, eastbound
Grant Road	Heather Drive, southbound
Grant Road	Flamingo [Drive], southbound
Grant Road	Pardee Road, northbound and southbound
Grant Road (near Morningstar Trail)	Pardee Road, northbound
Grant's Trail	Pardee Road, eastbound and westbound
Harwich Drive	Crest Oak Lane, southbound
Harwich Drive	Westhaven Court, southbound
Holmes Avenue	Oakridge Drive, northbound and southbound
Hutchins Drive	Liggett Drive, northbound and southbound
Hutchins Drive	Fournier Drive, southbound
Lantana Drive	Flamingo Drive, northbound and southbound
Lawndale Drive	Cherry Brook Lane, northbound and southbound
Lawndale Drive	Clydesdale, southbound
Lawndale Drive	Paul Adrian Drive, northbound
Lawndale Drive	Buxton Drive, northbound and southbound
Lawndale Drive	Ewers Drive, northbound and southbound
Leawood Drive	Diversey Drive, northbound and southbound
Liggett Drive	All intersecting streets

Lodge Drive	Starling, northbound and southbound
Lodge Pole Lane	Old Sappington Road, northbound and southbound
Lowill Lane	Manda Lane, southbound
Manda Lane	Glenfield Terrace, eastbound and westbound
Meadowfern Drive	Skycrest Drive, northbound
Missy Court	Sunray Lane, southbound and northbound
Oak Creek Drive	Arban Drive, southbound
Oakridge Avenue	Acorn, westbound and eastbound
Oakridge Avenue	Holmes Avenue, westbound
Old Sappington Road	Lodge Pole Lane, westbound
Old Sappington Road	Crain Court, westbound
Old Sappington Road	Gallop Lane, eastbound
Old Sappington Road	Eudora Court, westbound
Old Sappington Road	Arban Drive, westbound
Old Sappington Road	Stylecrest Court, eastbound
Old Sappington Road	Crestfield Lane, eastbound
Old Sappington Road	Cornish Drive, eastbound
Pardee Road	All intersecting streets
Pardee Road	Flamingo Drive, northbound
Pardee Road	Mastis Court, westbound
Pardee Road	Tremont Circle Drive, westbound
Pardee Road	Sunray Lane, westbound (when turned)
Pardee Road	Grant Road, eastbound

Pardee Road (near Morningstar Trail)	Grant Road, eastbound and westbound
Pardee Spur	Cordoba Lane, northbound and southbound
Pinellas Drive	Ponderosa, southbound
Pinellas Drive	Tahiti Drive, northbound
Pinellas Drive	Spellman Drive, northbound
Pinewood Drive	Blackthorn Drive, northbound and southbound
Pinewood Drive	Flamingo Drive, northbound and southbound
Ponderosa	Pinellas, westbound
Queenston Drive	Lawndale, eastbound
Queenston Drive	Cordoba Lane, westbound
Rayburn Avenue	All intersecting streets
Ridgewood Drive (east end)	Liggett Drive, eastbound
Ridgewood Drive (west end)	Liggett Drive, westbound
Robyn Road	Lowill Lane, westbound
Rock Hill Road	Pardee Road, northbound
Rock Hill Road	Grantwood Trails Court, northbound
Rock Hill Road	General Grant Lane, northbound
Rock Hill Road	Green Springs Drive, northbound
Samoa Drive	Montego Drive, eastbound
Sanders Drive	Curwood Drive, northbound
Sanders Drive	Crompton Court, westbound
Sanders Drive	Clover Lane, eastbound and westbound
Sappington Road	Aloha Drive

Sappington Road	Craigwood Terrace, westbound
Sappington Road	Garber Road, westbound
Sappington Road	Detjen Drive, eastbound
Sappington Road	Gallop Lane, eastbound and westbound
Sappington Road	Carrimae Court, eastbound and westbound
Sappington Road	Yorkshire Estates Drive, eastbound
Sappington Road	Banyon Tree Court, westbound
Sappington Road	Chatwood Terrace, eastbound
Sappington Road	Jo Ann Place, westbound
Sappington Road	Rosaire Drive, eastbound
Sappington Road	Pine Spray Court, westbound
Sky Crest Drive	Meadowfern Drive, eastbound and westbound
Spellman Drive	Aspen Drive, eastbound and westbound
Spellman Drive	Joshua Drive, eastbound and westbound
Spellman Drive	Apex Drive, eastbound and westbound
Spellman Drive	High Avenue, westbound
Spellman Drive	Arrowwood Drive, eastbound
Starling Drive	Lodge Drive, westbound
Sturdy Drive	Crestwood Drive, westbound
Tahiti Drive	Pinellas, eastbound and westbound
Tahiti Drive	Samoa Drive, eastbound and westbound
Tahiti Drive	Capri Drive, eastbound
Tea Rose Lane	Pine Spray Court

Tea Rose Lane	Lawndale Drive
Trelane Avenue	Briarton Drive, westbound
Trelane Avenue	Leawood Drive, westbound
Trelane Avenue	Volz Drive, westbound
Trelane Avenue	Grovena Drive, westbound
Twin Vista Drive	Glenwood Drive, southbound and northbound
Watson Road	Starling Drive, southbound
Watson Road	Brookview Drive, northbound
Westglen Drive	Trelane Avenue, southbound and northbound
Westglen Drive	Etherton, southbound and westbound
Westglen Drive	Elvado, southbound
Westglen Drive	Elmont Lane
Woodbine Drive	Liggett Drive, northbound and southbound
Woodbine Drive	Trelane Avenue, southbound and northbound
Yorkshire Estates Drive	Glenwood Drive, southbound

Stop signs shall be erected on all the above streets in Schedule B listed under the heading "Stop Signs Facing Traffic On" to warn motorists to stop their vehicles before entering the respective intersection.

(Ord. No. 1442, §§ 1, 2, 5-22-73; Ord. No. 1460, § 1, 10-9-73; Ord. No. 1461, § 1, 10-9-73; Ord. No. 1727, § 2, 2-13-79; Ord. No. 1755, § 1, 9-18-79; Ord. No. 1771, § 1, 1-22-80; Ord. No. 1827, § 1, 6-9-81; Ord. No. 1850, § 1, 1-26-82; Ord. No. 1852, § 1, 1-26-82; Ord. No. 1983, § 3, 12-11-84; Ord. No. 1991, § 1, 2-26-85; Ord. No. 2030, § 1, 10-5-85; Ord. No. 2093, § 1, 4-14-87; Ord. No. 3024, § 1, 9-8-87; Ord. No. 3065, § 1, 6-14-88; Ord. No. 3172, § 1, 10-23-90; Ord. No. 3181, § 1, 2-26-91; Ord. No. 3227, § 1, 7-28-92; Ord. No. 3254, § 1, 4-13-93; Ord. No. 3336, § 1, 2-14-95; Ord. No. 3360, § 2, 7-25-95; Ord. No. 3497, § 1, 5-12-98; Ord. No. 3560, § 1, 5-11-99; Ord. No. 3811, § 1, 1-13-04; Ord. No. 3872, § 1, 11-9-04; Ord. No. 3933, § 1, 9-27-05; Ord. No. 3999, § 1, 9-26-06; Ord. No. 4061, § 1, 5-22-07)

Sec. 14-184. - Schedule C; yield intersections.

In accordance with section 14-120, traffic at the following intersections shall yield the right-of-way as indicated:

Right-of-Way Traffic On	Yield Signs Facing Traffic On
Crest Oak Lane	Meadowfern Drive, westbound
Crompton Court	Denton Court, southbound
New Sappington Road	Right turn lane westbound from Old Sappington Road to New Sappington Road
Pardee Lane	Watson Road, eastbound
Sunray Lane	Conser Court, northbound and southbound
Trelane Avenue	Coffey Drive, westbound

Yield signs shall be erected on all the above streets in Schedule C listed under the heading "Yield Signs Facing Traffic On" to warn motorists to yield to traffic on streets designated as "Right-of-Way Traffic On."

(Ord. No. 1357, §§ 1, 2, 6-27-72; Ord. No. 1404, § 1, 11-28-72; Ord. No. 1572, § 2, 7-8-75; Ord. No. 1954, § 1, 3-27-84; Ord. No. 2031, § 1, 10-8-85; Ord. No. 3336, § 2, 2-14-95; Ord. No. 3361, § 1, 7-25-95; Ord. No. 3498, § 1, 5-12-98; Ord. No. 4233, § 15, 2-9-10)

Sec. 14-185. - Schedule D; no-parking and restricted parking zones.

In accordance with section 14-157, no person shall park a vehicle in the following areas:

No parking at any time.

Aloha Drive, both sides, from the northwest line of Rayburn Avenue to the northwest line of Reco Drive;

Ayres Drive, north and south side, from the east side of Diversey Drive to points forty-five (45) feet west of Diversey Drive's right-of-way;

Brookview Drive, both sides, from its intersection with Watson Road to a point one hundred fifty (150) feet from the intersection;

Coffey Drive, north side, from its intersection with Trelane Avenue to a point twenty-five (25) feet from the intersection;

Craigwood Terrace, south side, from the east side of Sappington Road to a point fifty (50) feet east of the Sappington Road right-of-way;

Diversey Drive, both sides, from a point thirty (30) feet south of the southerly right-of-way line of Big Bend Boulevard northward to the intersection;

Diversey Drive, east side, from a point four hundred twenty-five (425) feet south of the southerly right-of-way line of Big Bend Boulevard southwardly to Ayres Drive;

East Watson Road, south side, from a point two hundred (200) feet west of the center line of Del Vista Drive eastwardly to its termination;

Elmont Lane, both sides, from Sappington Road to Westglen Drive;

Friendly Drive, west side, from Conover Lane northwardly to a point fifty (50) feet north of the center line of Conover Lane;

Gallop Lane, south side from the center line at Old Sappington Road northwardly and westwardly one hundred forty-five (145) feet;

Garber Road, south side, from the east side of Sappington Road to a point fifty (50) feet east of the Sappington Road right-of-way;

Hawkins Court, east side, from its intersection with Big Bend Road to a point one hundred fifty (150) feet from the intersection;

Hutchins Drive, north side, from its intersection with Liggett Drive and Ridgewood Drive, to a point twenty-five (25) feet from the intersection;

Jo Ann Place, south side, from the east curbline of Sappington Road eastwardly one hundred fifty-five (155) feet;

Leawood Drive, east side, from its intersection with Trelane Avenue, north to a point one hundred fifty (150) feet from the intersection.

Liggett Drive, east side, from the southern right-of-way line of Big Bend Road southwardly one hundred thirty (130) feet;

Liggett Drive, east side, from the prolongation of the south curb of Tower Place, to a point three hundred twenty (320) feet south on Liggett Drive;

Liggett Drive, north side, from its western intersection with Ridgewood Drive eastward to its eastern intersection with Ridgewood Drive;

Liggett Drive, north side, from Grant Road to a point seventy-five (75) feet west of Grant Road.

Lou Court, north side, from its intersection with Pardee Lane, to a point sixty (60) feet from the intersection;

Lou Court, south side, from its intersection with Pardee Lane, to a point forty (40) feet from the intersection;

Montego, north side, from the center line of Samoa, westwardly one hundred fifty-five (155) feet;

New Sappington Road, both sides, from the center line of Hartsdale Avenue northwardly three hundred forty (340) feet;

New Sappington Road, both sides, from Watson Road southwardly five hundred thirty (530) feet;

Oakridge Avenue, east side, from Acorn Drive to Holmes;

Pine Spray Court, south side, from the east side of Sappington Road to a point fifty (50) feet east of the Sappington Road right-of-way;

Ponderosa Drive, west side;

Reco Drive, both sides, from Aloha Drive to terminus;

Richter Lane, north side, from the western line of Yorkshire Estates Drive, west for a distance of seventy-five (75) feet;

Richter Lane, south side, from the east line of Craighurst Terrace, east for a distance of seventy-five (75) feet;

Ridgewood Drive, both sides of the island in the cul-de-sac between 1531 and 1605 Ridgewood;

Ridgewood Drive, east and north side, from its western intersection with Liggett Drive southward and eastward to its intersection with Liggett Drive;

Robyn Road, east side, between the north side of Eddie and Park Road and the south side of Glenfield Terrace;

Samoa, west and south sides, from the center line of Montego northwardly and westwardly one hundred sixty (160) feet;

Sanders Drive, east side, from a point fifty-five (55) feet north of the center line of Clover Lane southward to its intersection with Clover Lane;

Sanders Drive, west side, from a point one hundred sixty-eight (168) feet north of the center line of Clover Lane southward to its intersection with Clover Lane;

Sappington Road, both sides, from the center line of Big Bend Road, southwardly five hundred seventy-five (575) feet;

Sappington Road, both sides, from the center line of Hartsdale Avenue southwardly three hundred sixty (360) feet;

Sappington Road, both sides, from a point one hundred twenty-five (125) feet north of the center line of Jo Ann Place, southwardly to a point three hundred ninety (390) feet south of Elmont Lane;

Sappington Road, both sides, from a point two hundred fifty (250) feet north of the center line of Rayburn Avenue southwardly to Watson Road;

Sappington Road, east side, from centerline of Garber Road southwardly one hundred twenty (120) feet;

Sappington Road, east side, from the centerline of Eddie and Park Road northwardly three hundred eighty (380) feet;

Sappington Road, west side, from the centerline of Garber Road to the centerline of Eddie and Park Road.

Sessions Avenue, south side, from a point fifty (50) feet west of the center line of Spellman Avenue eastwardly to the intersection;

Sessions Avenue, north side, from the west curbline of Spellman Avenue westwardly to the western city limits;

Spellman Avenue, both sides, between Rayburn Avenue and Pinellas Drive and between Sessions Avenue and Big Bend Road;

Sturdy Drive, both sides, from Watson Road south to Crestwood Drive;

Tahiti Drive, west side, between Montego Drive and Rayburn Avenue.

Tahiti Drive, west side, between Montego Drive and Samoa Drive.

Twincrest, eastbound from Sappington Road for a distance of fifty (50) feet;

Twincrest Drive, south side, from Sappington Road to a point fifty (50) feet east of Sappington Road;

Vauk Lane, north side, from the east curbline of Clydesdale Drive eastwardly to the west curbline of Pennant Lane;

Watson Road, both sides, or within ten (10) feet of the pavement of Watson Road on either side;

Watson Woods, west side, from a point three hundred (300) feet south of the center line of East Watson Road, northwardly to the intersection;

Watson Woods Court, east side, from a point eighty (80) feet south of the center line of East Watson Road, north to its intersection with East Watson Road;

Westglen Drive, west side, from the southern right-of-way line of Elmont Lane southwardly ninety (90) feet;

Wildwood Circle, east side, from Gillespie Drive north to south centerline of Big Bend;

Yorkshire Estates Drive, south side, from a point one hundred fifty-seven (157) feet west of the westerly right-of-way line of New Sappington Road eastward to the intersection.

No parking at specified times.

Diversey Drive, east side, from a point thirty (30) feet south of the southerly right-of-way line of Big Bend Boulevard; southwardly three hundred ninety-five (395) feet, at all times, on all week days, except Sundays and holidays;

Lindenhurst Drive, both sides, northwardly and westwardly from the prolongation westwardly of the south line of Hartsdale Drive to the terminus of Lindenhurst Drive at Richter Lane from 5:00 p.m. to 7:00 p.m., Monday through Friday, except by the residents and the guests of residents of Lindenhurst Drive and Hartsdale Drive;

Parking space adjoining 512 Acorn, except by handicapped persons;

Parking area in front of 1316 Tahiti Drive, except by handicapped persons.

No parking here to corner.

Heather Drive east of 56 Heather Drive to the corner of Blackthorn;

No parking signs shall be erected on the above streets in Schedule D, as specified to warn motorists not to park their vehicles in violation of this section.

(Ord. No. 1130, § 1, 6-10-69; Ord. No. 1535, § 2, 10-22-74; Ord. No. 1598, § 2, 2-24-76; Ord. No. 1624, § 2, 9-14-76; Ord. No. 1727, § 3, 2-13-79; Ord. No. 1740, § 1, 6-12-79; Ord. No. 1773, § 1, 1-22-80; Ord. No. 1785, § 1, 6-10-80; Ord. No. 1786, § 1, 6-10-80; Ord. No. 1788, § 1, 6-24-80; Ord. No. 1808, § 1, 1-13-81; Ord. No. 1853, § 1, 3-9-82; Ord. No. 1856, § 1, 4-13-82; Ord. No. 1858, §§ 1—3, 4-27-82; Ord. No. 1883, § 1, 11-9-82; Ord. No. 1893, § 1, 2-8-83; Ord. No. 1930, § 1, 9-6-83; Ord. No. 1931, § 1, 9-6-83; Ord. No. 1958, § 1, 4-24-84; Ord. No. 1983, § 4, 12-11-84; Ord. No. 2027, § 1, 9-24-85; Ord. No. 2032, § 1, 10-8-85; Ord. No. 2078, § 1, 10-28-86; Ord. No. 3027, §§ 1, 2, 9-8-87; Ord. No. 3085, § 1, 10-11-88; Ord. No. 3163, § 1, 6-26-90; Ord. No. 3248, § 1, 1-26-93; Ord. No. 3305, § 1, 5-10-94; Ord. No. 3362, § 1, 7-25-95; Ord. No. 3383, § 1, 10-10-95; Ord. No. 3427, § 1, 9-10-96; Ord. No. 3436, § 1, 12-10-96; Ord. No. 3451, § 1, 3-11-97; Ord. No. 3458, § 1, 5-27-97; Ord. No. 3580, § 1, 8-24-99; Ord. No. 4129, § 1, 6-10-08; Ord. No. 4151, § 1, 12-09-08; Ord. No. 4170, § 1, 2-24-09; Ord. No. 4233, § 17, 2-9-10; Ord. No. 4320, § 1, 10-11-11; Ord. No. 4472, § 1, 3-11-14; Ord. No. 4487, § 1, 6-24-14)

Sec. 14-186. - Schedule E; fire lanes; no parking zone.

In accordance with section 14-158, the following locations are designated as fire lanes and no person shall park a vehicle in such areas at any time:

Clover Lane, north side, from the city limits on the east to the end of the street westwardly;

Conover, north side, from the city limits on the east to the end of the street westwardly;

Strip shopping center, located from 9222 to 9282 Watson Road, along the west curb lane at a point north of 9282 Watson Road, southwardly to 9222 Watson Road, then along the west curb lane from a point of the front building line, southwardly to the rear building line of 9222 Watson Road, then along the east side drive curb lane from a point approximately at the rear building line of 9222 Watson Road, northwardly to Watson Road;

Crestwood Executive Center, located at #50 Crestwood Executive Center Drive, on the front service drive beginning at the north end of the front of the building and extending along the entire front of the building to the east end of the building;

Crestwood Plaza, located at 9501 Watson Road, on the northeast side of 145 Crestwood Plaza to the southeast corner of Garden Court, then westward to the southwest corner of Garden Court, then northward to the main mall entrance, then westward to 170 Crestwood Plaza, then southward to stop sign at end of the existing wall;

#1 Detjen Drive, together with all intersecting lanes and drives, both sides of each, except where parking is designated and allowed by appropriate signs duly erected by the director of public works or his duly authorized agent;

Friendly Drive, west side, between Conover and Clover Lane;

Gillespie Drive, north side, between Liggett Drive and Wildwood Circle;

Hawkins Court, west side, from Big Bend to Yolanda;

High Avenue, along the north side from its intersection with Spellman Avenue eastwardly to and including the cul-de-sac;

Lopina Boulevard, north side, between Liggett Drive and Satinwood Place;

Our Lady of Providence School, on the east side of the gymnasium;

Pardee Lane, both sides from Watson Road southwardly to Pardee Road;

Pinellas Drive, north side, from Spellman Avenue to Ponderosa Drive;

Sanders Drive, east side, between Conover and Clover Lane;

Sappington Road, both sides, old and new;

Satinwood Place, west side, between Lopina Boulevard and Tower Place;

Spellman, both sides, from Rayburn, northwardly to Pinellas Drive;

Tower Place, south side, between Satinwood Place and Liggett Drive;

Watson Industrial Park, on Watson Industrial Park Drive from its conjunction with Watson Road northwesterly to westerly on both sides of the twenty-foot roadway to its end of the western limits of the industrial park;

Whitecliff Park, on Whitecliff Park Lane from its conjunction with Pardee Road along both sides of the curbed roadway around the cul-de-sac in front of 9275 Whitecliff Park Lane, including all intersecting driveways leading into designated and approved parking areas.

On the parking lots of the following business establishments:

Building located at 9920 Watson Road, from the Watson Road right-of-way, the entire length of the east driveway;

Crestwood Bowl, located at 9822 Watson Road, from a line twenty-eight (28) feet north of the front building line on both the east and west driveways, continuing to the rear building line;

Crestwood Executive Building, located at #50 Crestwood Executive Drive, on the west service drive and the south service drive (rear of single-story portion of the building);

Crestwood Plaza, located at 9501 Watson Road, north side of the rear drive from the Arcade Entrance eastwardly to the end of the Sears service garage;

Building located at 8642 Pardee Lane, along both sides of the entrance drive at the northwestern edge of the property, along the southwestern side of the drive in front of and parallel to the front of the building, along both sides of the drive in front of and perpendicular to the front of the building;

Building located at 9147 Watson Road, from a point at the front building line located at the center of the main entrance and then to proceed fifteen (15) feet south and to proceed from the same point at the north curblines twenty (20) feet to the east and from the same point on the north curblines twenty (20) feet to the west;

On the west side of Park Crestwood Drive from 8500 to 8638;

On the north and south sides of Park Crestwood Drive from 8701 to 8707;

On the east side of Park Crestwood Drive from 8706 to 8716;

Building located at 9300 Watson Road on the west side of the east driveway from the front building line southward to the rear building line and from that point westward twenty-five (25) feet;

9719 Watson Road, on the east side of the building from the rear building line to the front building line, then westwardly along the entire store front;

9744 Watson Road, along the curb next to the building, thence southward along the west side of the building to the rear of the building; along the north curb of the triangle-shaped island east of the front building line; along the north curblines beginning at a point across from the northeast corner of the front building line, then eastwardly to the west side of the east exit drive;

Along the entire length of the north, west and south sides of the building numbered 9440 Watson Road, for a minimum width of eighteen (18) feet starting at the building line or curblines nearest to such building, if curblines exist, and extending outwardly from such point;

Along the entire length of the north, east and south sides of the building numbered 9450 Watson Road, for a minimum width of eighteen (18) feet starting at the building line or curblines nearest to such building, if curblines exist, and extending outwardly from such point;

Along the entire length of the east, south, west and north sides of the building numbered 9540 Watson Road, for a minimum width of eighteen (18) feet starting at the curblines nearest to such building and extending outwardly from such point.

The owners of property where fire lanes are located shall install signs identifying the fire lane and providing that there shall be no parking. The location, number of signs and the type of signs shall be determined by the fire chief or his designee. The refusal to install such signs on the part of any owner of property which has been designated as a fire lane shall be a violation of this provision and any such owner shall be subject to the penalties provided for violation of city ordinances.

(Ord. No. 1375, § 1, 8-8-72; Ord. No. 1465, 10-23-73; Ord. No. 1555, § 2, 2-11-75; Ord. No. 1601, § 2, 3-9-76; Ord. No. 1616, § 2, 7-13-76; Ord. No. 1617, § 2, 7-13-76; Ord. No. 1625, § 2, 9-28-76; Ord. No. 1797, § 1, 8-26-80; Ord. No. 1854, § 1, 3-9-82; Ord. No. 1890, § 1, 1-11-82; Ord. No. 1983, § 5, 12-11-84; Ord. No. 2045, § 1, 1-14-86; Ord. No. 3338, § 1, 2-28-95; Ord. No. 3339, § 1, 2-28-95; Ord. No. 3363, § 1, 7-25-95; Ord. No. 4186, § 1, 4-14-09; Ord. No. 4233, § 18, 2-9-10)

Sec. 14-187. - Schedule F; no left turns.

In accordance with section 14-116, subsection (d), traffic will make no left turns at intersections as hereinafter indicated:

Traffic On	No Left Turn Onto
West service drive of Watson Plaza	Watson Road West service drive
New Sappington Road headed southwardly	Old Sappington Road
Service drive of Crestwood Plaza entering Sappington Road	Sappington Road

The director of public works shall see that signs are posted to warn motorists not to make a left turn into the street or intersection designated.

(Ord. No. 1228, §§ 1, 2, 9-22-70; Ord. No. 1493, §§ 1, 2, 5-7-74; Ord. No. 1549, 1-14-75; Ord. No. 1956, § 2, 2-24-76; Ord. No. 2086, § 2, 1-27-87; Ord. No. 3211, § 1, 2-25-92; Ord. No. 4233, § 11, 2-9-10)

Sec. 14-188. - Schedule F1; no right turn on red light.

In accordance with section 14-116, subsection (e), traffic is prohibited from making a right turn on a red light at intersections as hereinafter indicated:

Traffic On	No Right Turn on Red Light Onto
Hartsdale Drive (eastbound)	Sappington Road
Twincrest Drive (westbound)	Sappington Road

The director of public works shall see that signs are posted notifying the public of no right turn on red light to warn motorists not to make a right turn on a red light into the street or intersection designated.

(Ord. No. 1547, 12-10-74; Ord. No. 4233, § 12, 2-9-10)

Sec. 14-188.1. - Schedule F2; no-right-turn locations.

In accordance with section 14-116(f), traffic will make no right turns at the locations as hereinafter indicated:

Traffic On	No Right Turn Onto
Eastbound traffic on Watson Road	Schnucks Exit Drive, located approximately three hundred fifty (350) feet west of east property line of Crestwood Market Subdivision.

The director of public works shall see that signs are posted notifying the public of no right turn into the location designated.

(Ord. No. 3332, § 2, 1-24-95; Ord. No. 4233, § 13, 2-9-10)

Sec. 14-189. - Schedule G; no U-turn intersections.

In accordance with section 14-117, traffic at the following intersections shall make no U-turns at the following locations and the director of public works shall cause signs to be erected to so inform the public, to wit:

Grant Road north end of island approximately fifty (50) feet north of Watson Road;

Glenwood Drive south end of island approximately fifty (50) feet south of Watson Road;

Sappington Road, northbound at the entrance to Crestwood Plaza;

Sappington Road at its intersection with Twincrest Drive for northbound Sappington Road traffic;

Watson Road east and west ends of islands at east service drive to Crestview Plaza;

Watson Road east and west ends of islands at drive-in theatre;

Watson Road west end of island west of Glenwood Drive;

Watson Road east and west ends of islands at Glenwood Drive;

Watson Road east end of island west of Grant Road;

Watson Road east and west ends of islands at Grant's trail;

Watson Road east and west ends of islands at New Sappington Road;

Watson Road east and west ends of islands at Old Sappington Road;

Watson Road east and west ends of islands at Park Crestwood Apartments entrance;

Watson Road east and west ends of islands at Watson Industrial Court entrance.

(Ord. No. 1491, § 1, 5-7-74; Ord. No. 1761, § 1, 10-9-79; Ord. No. 1857, § 1, 4-27-82; Ord. No. 4233, § 14, 2-9-10)

Sec. 14-190. - Schedule H; speed limits.

In accordance with the general speed limit regulations of the city under section 14-128, the following speed limits shall prevail on the following streets as designated below:

Speed Limit (Miles Per Hour)		Area Designated
15	(a)	Spellman Avenue from Joshua to Pinellas
	(b)	Pinellas Avenue from Spellman to the eastern edge of the intersection with Ponderosa
	(c)	Ponderosa Avenue
	(d)	Acorn Avenue from Ponderosa Avenue to the eastern edge of the intersection with Oak Ridge
	(e)	Oak Ridge Avenue from Acorn Avenue to the northern edge of the intersection with Holmes
20	(a)	All residential areas of the city not included in the fifteen (15) miles per hour areas or not specifically designated for speed limits greater than twenty (20) miles per hour
	(b)	From intersection of General Grant [Lane] and Missy [Court] to intersection of General Grant [Lane] and Bull Run
25	(a)	Garber Road between Sappington Road and Pardee Road
	(b)	Old Sappington Road between Hartsdale Drive and Watson Road

	(c)	Rayburn Avenue between the western city limits and Sappington Road
	(d)	General Grant Lane from Rock Hill Road to intersection of General Grant [Lane] and Missy Court
30	(a)	Reserved
	(b)	East Watson Road between Watson Road and the western city limits
35	(a)	New Sappington Road between Eddie and Park Road and Watson Road
	(b)	Sappington Road between Big Bend Boulevard and Watson Road
40		Watson Road between the eastern and western city limits
60		I-44 throughout the city

(Ord. No. 397, § 1, 9-24-57; Ord. No. 681, § 1, 10-10-61; Code 1965, § 52.22; Ord. No. 1448, § 1, 6-26-73; Ord. No. 1533, 10-22-74; Ord. No. 1593, 2-10-76; Ord. No. 1627, 9-28-76; Ord. No. 1983, § 2, 12-11-84; Ord. No. 3033, §§ 1, 2, 11-10-87; Ord. No. 3281, § 1, 8-24-93; Ord. No. 3286, § 1, 10-26-93; Ord. No. 3412, § 1, 5-14-96; Ord. No. 3496, § 1, 5-12-98)

Sec. 14-191. - Prohibited turns at Pardee Road and Grant's Farm.

Commercial vehicles, trucks (other than passenger trucks) and buses are prohibited from making a left turn from southbound Pardee Road into the Grant's Farm service entrance and also are prohibited from making a right turn onto Pardee Road while exiting the Grant's Farm service entrance.

(Ord. No. 4143, § 1, 8-14-08)

Secs. 14-192—14-200. - Reserved.

Sec. 14-200.1. - Schedule I; permit parking districts.

[In accordance with section 14-167, the following permit parking districts are established:]

The 8900 block of Lou Court and 8977, 8981, 8985 and 8989 Pardee Road.

(Ord. No. 3709, § 2, 2-12-02; Ord. No. 3718, § 1, 3-26-02)

Chapter 15 - MUNICIPAL COURT^[1]

--- (1) ---

Cross reference— City attorney, § 2-54.

State Constitution reference—Court rules, Art. 5, §§ 5, 15; assignment of judges by supreme court, Art. 5, § 6; municipal judges and court personnel, Art. 5, § 23; commission on retirement, removal and discipline of judges, Art. 5, § 24.

State Law reference— Municipal courts, RSMo Ch. 479.

Sec. 15-1. - Definitions.

Terms used in this chapter have the following meanings:

Bureau: The traffic violations bureau of the City of Crestwood, Missouri.

Clerk: The clerk of the municipal court of the City of Crestwood, Missouri.

Deputy clerk: The deputy clerk of the municipal court of the City of Crestwood, Missouri.

Judge: The judge of the municipal court of the City of Crestwood, Missouri.

Law: The Revised Statutes of the State of Missouri, the judicial decisions of the courts of the State of Missouri, the federal and Missouri constitutions and the Missouri Supreme Court rules.

Municipal Code: The Municipal Code of the City of Crestwood, Missouri.

Prosecutor: The prosecuting attorney or duly appointed assistant prosecuting attorney of the City of Crestwood, Missouri.

(Ord. No. 1959, § II(8.01), 4-24-84)

Sec. 15-2. - Created.

There is hereby created and established a Municipal Court of the City of Crestwood, Missouri.

(Ord. No. 1959, § II(8.02), 4-24-84)

Sec. 15-3. - Judge.

- (a) *Office established*. The office of judge of the Municipal Court of the City of Crestwood is hereby created and established.
- (b) *Appointment*. Following the regular election of the mayor, the mayor, with the consent and approval of the board of aldermen, shall appoint a judge to serve for a term of two (2) years and until his or her successor is appointed and qualified. The judge shall be a member of the Missouri Bar Association, and at least twenty-one (21) years of age, and a resident of the city, except that such residency requirement may be waived by a three-fourths ($\frac{3}{4}$) majority vote of the elected members of the board of aldermen.
- (c) *Jurisdiction*. Except as provided in this section, the judge shall preside over the court and shall have exclusive jurisdiction to hear and determine all offenses against ordinances of the city, and shall have all other power and authority now and hereafter vested in him by law and by the ordinances of this city and he shall perform all of the duties thus imposed upon him.
- (d) *Provisional judge*. Except as provided by law, the mayor, with the consent and approval of the board of aldermen, may appoint one (1) or more provisional judges who shall be members of the Missouri Bar Association and at least twenty-one (21) years of age and residents of the city, except that such

residency requirement may be waived by a three-fourths ($\frac{3}{4}$) majority vote of the elected members of the board of aldermen. The provisional judge shall act if the judge is absent or disabled, or if there is a temporary vacancy in such office. During such times, the provisional judge shall have all the powers and authority of the judge, and shall perform all the duties imposed by law or ordinance upon the judge.

- (e) *Compensation.* The judge of the municipal court shall receive such compensation as established by the board of aldermen, payable in equal monthly installments. If the provisional judge is required to perform any of the duties of the municipal judge, he or she shall be separately compensated at a reasonable hourly rate set by the city clerk as approved by the city administrator.

(Ord. No. 1959, § 11(8.03), 4-24-84; Ord. No. 3294, § 1, 2-22-94; Ord. No. 4167, § 1, 2-10-09)

Sec. 15-4. - Administrator—Municipal court.

- (a) *Established:* There is hereby established the position of administrator—municipal court for the City of Crestwood, Missouri.
- (b) *Service and appointment:* The position of administrator—municipal court is established as a civil service position to be governed by Chapter 18 of this Code, and any amendments thereto, and shall be designated as a position in the "classified service". Appointment shall be the city administrator as provided in section 2-53(i)(2).
- (c) *Duties and powers:* The administrator—municipal court, shall have the following duties and powers:
 - (1) Serve as the primary clerk of the municipal court with all the duties imposed or granted by law or ordinance attendant thereto, including the filing of all cases, docketing all cases, maintaining all case records and accounting for all monies due and paid to the municipal court;
 - (2) Supervise all matters relating to the municipal court and all personnel of the court;
 - (3) Supervise all matters and personnel relating to the violations bureau;
 - (4) Perform those administrative functions incidental to the operation of the municipal court;
 - (5) Assist the municipal judge in the conduct of the court with respect to such other matters as the judge may request from time to time;
 - (6) Appoint deputy clerks, clerical, bailiffs and administrative personnel, as necessary, within the classified service; and
 - (7) Such other duties as may be directed by the city administrator.
- (d) *Deputy clerk(s):* There is hereby established and created the position of deputy clerk within the classified service. The deputy clerk or clerks are appointed by the administrator—municipal court, as needed, and in the absence of the clerk, shall have all the powers and authority and perform all duties imposed by law or ordinance upon the clerk.

(Ord. No. 1959, § 11(8.04), 4.24.84; Ord. No. 3810, § 1, 1-13-04)

Sec. 15-5. - Seal.

- (a) *Procurement.* The court shall procure and keep an official seal, which shall be a metallic disk not more than two and one-half ($2\frac{1}{2}$) inches in diameter, with the words "Municipal Court, Crestwood, Missouri" engraved in the border and the word "Seal" engraved across the center. The official seal shall be retained in the office of the clerk of the court.
- (b) *Use.* The seal shall be used for the authentication of any record, process or proceeding required, and for the attestation of any instrument by the clerk. The clerk shall affix the seal of the court to warrants, summonses, bench warrants, commitments to hold for trial, certified copies of records and

instruments, subpoenas, executions, and transcripts on appeal, and otherwise as directed by the judge or prosecutor or when required by law.

(Ord. No. 1959, § 11(8.05), 4-24-84)

Sec. 15-6. - Reserved.

Editor's note— Ord. No. 3839, § 1, adopted May 25, 2004, repealed former section 15-6 in its entirety which pertained to the bailiff of the court and derived from Ord. No. 1959, § 11(8.07), adopted April 24, 1984.

Sec. 15-7. - Appointment, compensation of personnel.

No appointment of municipal court personnel shall be effective unless the position and compensation are set forth in the annual budget. The appointment and qualifications of the prosecuting attorney shall be the same as for the municipal judge as set forth in subsection 15-3(b). The prosecuting attorney shall receive such compensation as established by the board of aldermen, payable in equal monthly installments.

(Ord. No. 4168, § 1, 2-10-09)

Editor's note— Ord. No. 4168, § 1, adopted Feb. 10, 2009, repealed former § 15-7, and enacted a new § 15-7 as set out herein. The former § 15-7 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 15-8. - Traffic violations bureau.

- (a) *Authorized.* A traffic violations bureau for traffic cases is hereby authorized and may be established by order of the judge.
- (b) *Violations clerk.* The municipal court clerk shall serve as violations clerk. The violations clerk shall accept appearance, waiver of trial, plea of guilty and payment of fines and costs in designated traffic offenses.
- (c) *Designated traffic offenses.* The judge shall, by rule or order, designate the traffic offenses within the authority of the violations clerk. The judge shall provide which offenses may be referred to the bureau, and which must be heard by the court only; and shall prescribe the procedure of traffic cases in the bureau, and for the keeping of records and making of reports. The judge shall specify, by order or rule, the place where fines are to be paid; and shall specify by suitable schedule the amount of fines to be imposed for first and subsequent offenses and the costs to be assessed thereon.
- (d) *Report to finance officer.* The violations clerk shall, no later than the third day of each month, pay over to the city finance officer all fines and costs collected by the bureau during the preceding month, and shall submit a report thereon to the city finance officer at the same time. The report shall be signed by the violations clerk and receipted by the city finance officer, and a copy thereof to be filed with the city clerk.
- (e) *Deputy clerks.* Any existing employee shall act as deputy violations clerk at the discretion of the city administrator. The deputy violations clerks shall be at least twenty-one (21) years of age, and existing employees of the city. The deputy violations clerks shall act if the violations clerk is absent or disabled, or if there is a temporary vacancy in such office. During such times the deputy violations clerks shall have all the powers and authority of the violations clerk, and shall perform all the duties imposed by law or ordinance upon the violations clerk.

(Ord. No. 1242, § 2, 12-22-70; Ord. No. 1959, § 11(8.08), 4-24-84)

Cross reference— Administration, Ch. 2; traffic violations bureau regulated, § 14-2.

Sec. 15-9. - Court rules.

- (a) The judge may make such rules as are consistent with this chapter for the conduct of the business of the court, and for the order in which the cases shall be tried. He shall also provide for such other rules as may be required by the ordinances of the city and by law.
- (b) The Missouri Supreme Court Rules of Practice and Procedure in Municipal Courts shall govern the practice and procedure in the court, and the rules of the court shall be supplementary to and consistent therewith. Each year in connection with his budget requirements, the judge may include a request for the appropriation of such amounts as may be necessary for the clerk to print, publish and distribute the local rules of court. At the time the annual budget is being considered by the board of aldermen or committees appointed by it for that purpose, the judge may fully inform the city administrator of the appropriations desired by the court for its necessary expenses, including the printing of forms, postage, stationery and other supplies, office expenses and salaries of the judge, clerk and bailiff, and otherwise.

(Ord. No. 1959, § II(8.09), 4-24-84)

Sec. 15-10. - Court sessions.

The judge shall, by order, fix no more than three (3) evenings per month for court sessions. One such sessions shall be for trial of contested matters, and the other sessions shall be for the receipt of pleas. The court sessions shall be held in the Crestwood Government Center, or such place within the city as shall be provided by order of the court. Such sessions shall begin at 7:30 p.m. unless otherwise provided for by court order. If any regular session of court falls on a holiday, the judge may by order fix another night during the month for a regular session of court to conduct any business at hand. The judge may by order fix the time and dates of special sessions of the court where guilty pleas only will be heard, and he may by order fix the time when the traffic violations bureau will be open for the transaction of business. Other special sessions or continued sessions may be provided by order, when the business of the court requires.

(Ord. No. 1959, § II(8.06), 4-24-84)

Sec. 15-11. - Docket.

The judge shall keep a docket showing the name of the defendant, the offense, the date of trial, the findings of the court, the judgment and such other facts as are necessary to show the full proceedings in every case, and upon an application for trial de novo the judge shall make out and certify to the circuit court a full transcript of the proceedings had in said case.

(Ord. No. 1959, § II(8.10), 4-24-84)

Sec. 15-12. - Records generally.

Cases shall be entered on the court's docket and shall become a part of the records of the court when information is filed by the prosecutor or when the prosecutor approves a complaint made by an individual other than a police officer, or when a defendant who is given the opportunity to appear before the traffic violations bureau fails to appear within the time allowed him. The chief of police shall review all complaints filed by police officers; upon approval of a complaint it shall be referred to the prosecutor, whose decision shall be final as to whether or not the case shall be entered on the court docket. Nothing in this section shall be construed to prevent the prosecutor, in his discretion, from requesting dismissal or directing nolle prosequi of a case after it has been entered on the court docket.

(Ord. No. 1959, § II(8.11), 4-24-84)

Sec. 15-13. - Prosecution of ordinance violations.

All violations of the ordinances of this city shall be prosecuted by information or complaint as may be determined by the prosecutor. The prosecutor in the court shall be the city attorney, assistant city attorney or assistant prosecutor. Every information shall be signed by the city attorney and may be signed for him by an assistant prosecutor. The prosecutor may substitute his information for any complaint.

(Ord. No. 1959, § II(8.12), 4-24-84)

Sec. 15-14. - Traffic and other violations; complaint.

When a defendant is charged with both a traffic violation and a violation of another ordinance of the city, separate complaints and informations shall be filed against him, so that all charges of traffic ordinance violations arising out of the same general state of facts shall appear in one (1) complaint or information, and all violations other than traffic violations arising out of the same general state of facts shall appear in a complaint or information similar to those prescribed by the rules of the supreme court of Missouri. The prosecutor is authorized to make exceptions to these provisions when in his judgment the number of charges, or the nature thereof, or the interests of the defendant make it necessary or advisable to use more than one (1) complaint or information in other cases than herein prescribed.

(Ord. No. 1959, § II(8.13), 4-24-84)

Sec. 15-15. - Charges against corporation.

In prosecutions against corporations any officer, agent, foreman, superintendent or other person in charge of the activities of the corporation at the time and place of the violation may be jointly charged with the corporation as a defendant and may be equally liable.

(Ord. No. 1959, § II(8.13), 4-24-84)

Sec. 15-16. - Setting time for hearing.

When a complaint or information is filed against a defendant, the clerk shall set the cause for preliminary hearing or plea not less than eight (8) days nor more than forty-five (45) days thereafter. When a traffic complaint is made by a police officer, the return date shall be not less than eight (8) days nor more than thirty-five (35) days thereafter, and shall be returnable to a date on which a regular or special session of court is to be held. When a traffic case is one which permits the defendant to appear before the bureau, the return date shall be not less than fifteen (15) days nor more than thirty-five (35) days, and the defendant may appear in the bureau and pay the fine and penalties within five (5) days, excluding the date on which the summons is served upon him, and if he or she fails to appear before the bureau within such time the clerk shall enter the cause for hearing by the court on the court docket for the date stated in the summons.

(Ord. No. 1959, § II(8.15), 4-24-84)

Sec. 15-17. - Return dates.

Summonses, commitments to hold for trial, subpoenas, notices to appear and appearance bonds in the court shall be returnable not more than forty-five (45) days after service, unless otherwise ordered by the court for good cause.

(Ord. No. 1959, § II(8.15), 4-24-84)

Sec. 15-18. - Officers' returns.

Police officers are required to make proper return on all warrants, summonses, bench warrants, commitments, subpoenas, executions and other processes, notices and orders delivered to them for official action.

(Ord. No. 1959, § II(8.17), 4-24-84)

Sec. 15-19. - Defendant's appearance.

Defendants may appear by attorney for any purpose or, by special permission from the judge, by parents or spouses, for the purpose of requesting a continuance or pleading guilty.

(Ord. No. 1959, § II(8.18), 4-24-84)

Sec. 15-20. - Bail generally.

- (a) The amount of bail shall be endorsed upon all warrants by the judge and when an arrest is made under warrant by a police officer it shall be endorsed upon the warrant or commitment papers, or both when both are issued. When a defendant is taken to another incarceration facility upon arrest, he may be admitted to bail by the sheriff in the amount indicated by the police officer, and the bail bond shall be promptly transmitted to the clerk. If upon arrest the defendant indicates a desire to make bail, the police officer may bring the defendant before the judge for that purpose instead of taking him to another incarceration facility.
- (b) The following rules shall govern the amount of bail:
 - (1) The judge may fix bail up to one thousand dollars (\$1,000.00) when there is not more than one (1) charge against the defendant; but when there is more than one (1) he may increase the amount by not more than two hundred dollars (\$200.00) for each additional charge up to a maximum of two thousand dollars (\$2,000.00).
 - (2) Sureties on bonds and securities therefor can be released only upon order of the judge.

(Ord. No. 1959, § II(8.19), 4-24-84)

Sec. 15-21. - Cash bonds in traffic violations.

The judge, by rule, may authorize the acceptance of cash bonds in such amounts and in such cases as may be fixed by order, in the case of alleged traffic violations, and the amounts of such cash bonds shall be as reasonable as possible in each case. At the request of the judge, the prosecutor shall prepare the form of cash bond to be signed by the defendant, setting forth the conditions under which the cash bond is received. The judge, by separate order, may permit such bonds in other than traffic cases.

(Ord. No. 1959, § II(8.21), 4-24-84)

Sec. 15-22. - Forfeiture of bond.

Before forfeiting any bond for the nonappearance of a defendant, the surety shall be notified by mail that the bond will be forfeited at a subsequent regular session of the court unless the defendant is produced in court on that date. In the interest of justice, the judge may compromise or settle any forfeiture, which shall in no manner affect the liability of the defendant for fine or imprisonment or both if and when apprehended.

(Ord. No. 1959, § II(8.20), 4-24-84)

Sec. 15-23. - Continuances.

- (a) The court may continue cases under such rules as it may adopt, provided that no case shall be continued more than sixty (60) days, excepting by consent of counsel for the city and the defendant or his attorney.
- (b) Upon the first setting of the case, the judge may, upon request of either side, continue the case to a day certain. At any subsequent setting of the case, no continuance shall be granted unless the party applying therefor satisfies the court that such continuance is in the interest of justice and the judge may require affidavit of the party applying therefor, setting forth the reasons for the continuance; but no continuance shall be in excess of the time permitted under this section. The court may require the defendant to enter into recognizance before granting any continuances hereunder.

(Ord. No. 1959, § II(8.22), 4-24-84)

Sec. 15-24. - Consolidating cases or dismissing charges.

In the furtherance of justice the judge may consolidate cases, shall dismiss any charge which constitutes an element of a more serious charge pending against the defendant, and may, when satisfied that the defendant should be convicted of a less serious violation than that with which he is charged, reduce the charge accordingly.

(Ord. No. 1959, § II(8.23), 4-24-84)

Sec. 15-25. - Contempt.

(a) The judge may punish for criminal contempt.

(b) Criminal contempt shall consist of:

- (1) Disorderly, contemptuous or insolent behavior committed during a court session, in its immediate view and presence, and directly tending to interrupt its proceeding or to impair the respect due to its authority;
- (2) Any breach of the peace, noise or other disturbance directly tending to interrupt court proceedings;
- (3) Willful disobedience of any process or order lawfully issued or made by the court;
- (4) Resistance willfully offered by any person to the lawful order or process of the court;
- (5) The contumacious and unlawful refusal of any person to be sworn as a witness or, when so sworn, to refuse to answer any legal and proper interrogatory;
- (6) Soliciting or aiding in the disposition of traffic tickets or summonses after it has been entered on a court docket in any manner not authorized by the court;
- (7) Contemptuous, scandalous or degrading utterances or publications tending to bring the judge or court into disrepute or ridicule.

(c) Punishment for contempt may be by fine or imprisonment or both such fine and imprisonment.

(Ord. No. 1959, § II(8.24), 4-24-84)

Sec. 15-26. - Witness fees.

Witness fees shall be as follows:

Witness attending at a greater distance than forty (40) miles from his place of residence... \$8.00 per day plus mileage at the prevailing city rate.

No witness shall be entitled to fees unless he appears under subpoena. Any witness attached for failure to appear after summons shall forfeit his fees and mileage. A party desiring the summoning of a witness at a distance greater than forty (40) miles from his place of residence shall deposit with the clerk the full amount of the witness fees and mileage before a subpoena shall issue; provided that if the witness is subpoenaed for the city no deposit shall be required, but the fees and mileage shall be paid out of funds appropriated for that purpose.

(Ord. No. 1959, § II(8.25), 4-24-84)

Sec. 15-27. - Confinement to jail.

When any person is arrested to be confined pending the filing of charges against him, or pending trial after the filing of charges, or to serve a sentence after trial, or pending the perfection of an appeal, or as punishment for contempt, he shall be confined in the city jail or delivered to the proper authorities for confinement.

(Ord. No. 1959, § II(8.26), 4-24-84)

Sec. 15-28. - Work by prisoner.

Any person convicted, whether the punishment is by fine or imprisonment or both, may be put to work and required to perform labor on the public streets and alleys, or other public works or buildings of the city, at the rate of fifteen dollars (\$15.00) per day, if the punishment by fine is not paid. It shall be deemed a part of the judgment and sentence of the court that the prisoner may be worked as herein provided. The judge shall have discretion to assign the prisoner to work at such times and hours which may cause the least interference with his regular employment, if any. A convicted person refusing or failing to perform work assigned him under this section may be punished for contempt of court.

(Ord. No. 1959, § II(8.27), 4-24-84)

Sec. 15-29. - Commuting fine.

When any person shall be unable to pay any fine or costs assessed against him the judge may commute such fine and costs.

(Ord. No. 1959, § II(8.28), 4-24-84)

Sec. 15-30. - Staying fines; commuting sentence.

Upon conviction of a defendant, the judge may, in the interest of justice, stay any fine and costs or any portion thereof, including minimum fines and costs, or stay any commitment, in either case with or without the payment of costs and on such terms and conditions as he may deem necessary and advisable. The judge may also commute jail sentences to the time served or held in jail, or stay jail sentences upon condition.

(Ord. No. 1959, § II(8.29), 4-24-84)

Sec. 15-31. - Costs—Generally.

- (a) *Application.* The provisions of this section relating to court costs shall apply to all cases in the municipal court, except those handled in the traffic violations bureau, unless the contrary clearly appears.
- (b) *Minimum.* In all cases, the clerk's fees shall be twelve dollars (\$12.00), subject to such increase as authorized by law.

(c) *Surcharges.* In addition to the clerk's fees, there shall be addressed the following surcharges as court costs in all cases involving a judgment for violation of a city ordinance, except where the defendant is found by the municipal court judge to be indigent and unable to pay costs:

- (1) Crime victims' compensation fund surcharge\$7.50
- (2) Law enforcement training surcharge2.00
- (3) Peace officer standards and training surcharge1.00
- (4) Domestic violence shelter fee4.00
- (5) Inmate Security Fund2.00

In addition to other fines or costs provided in this code pertaining to cases filed in Crestwood Municipal Division, an additional sum of two dollars (\$2.00) shall be imposed in conjunction with all cases for violation of municipal ordinances. No such charge shall be collected in any proceedings when the proceeding or defendant has been dismissed by the court. Such funds collected under this section shall be deposited in the "inmate security fund" and such funds may be utilized to install and maintain a biometric verification system and to pay for expenses relating to custody and housing and other expenses for prisoners.

(d) *Additional costs.* To the extent applicable in a particular case, the following costs will be added to the assessment of court costs:

- (1) Each continuance.
- (2) Issuance of warrants.
- (3) Commitment of jail, each.
- (4) Delivery of prisoner to sheriff for confinement.
- (5) Issuing subpoena for defendant.
- (6) Serving subpoenas in city.
- (7) Serving subpoenas outside city.
- (8) For arresting a defendant outside of the city of warrant.
- (9) Bond forfeiture.

(e) *Recoupment of incarceration fees.* Any person convicted of an offense or misdemeanor and committed to the St. Louis County Jail, or any subsequent provider of jail services on behalf of the city, shall pay for the cost of their incarceration. The cost assessed to an inmate shall be the actual costs charged against the city by the correctional facility. Said costs may consist of all reasonable costs of confinement calculated on a per diem basis or based on actual expenses, including without limitation, any necessary transportation related thereto and medical costs incurred while a person is incarcerated.

Any and all medical expenses incurred by an inmate charged against the city shall be imposed upon the incarcerated person receiving such medical treatment, including without limitation, medical expenses incurred in connection with medical and dental examinations and treatment, over-the-counter and prescription medications, and hospitalization expenses, less any co-payment collected from the inmate at the time medical expenses were rendered and received.

(Ord. No. 1959, § II(8.30), 4-24-84; Ord. No. 3252, § 1, 3-9-93; Ord. No. 3355, § 1, 6-27-95; Ord. No. 3437, § 1, 12-10-96; Ord. No. 3468, § 1, 7-22-97; Ord. No. 3695, § 1, 11-27-01; Ord. No. 4106, § 1, 1-8-08; Ord. No. 4108, § 1, 1-8-08; Ord. No. 4515, § 1, 12-9-14)

Editor's note— Ordinance No. 3468, adopted July 22, 1997, did not provide for specific costs under subsection (d) herein.

State Law reference— Court costs, RSMo 479.260.

Sec. 15-32. - Same—Liability.

- (a) *Parties.* Where a complaint includes more than one (1) defendant, the one convicted shall be liable for all costs, or if more than one (1) is convicted they shall be jointly and severally liable, and the judge may apportion the costs between them as the judge deems advisable in the interest of justice.
- (b) *Multiple charges.* If a prisoner is taken to jail or confined in jail or if tried by a judge or arrested outside of the city and there is more than one (1) count, complaint, information or charge against him, the full amount of costs authorized under section 15-31 shall be assessed on only one (1) of the charges on which the defendant may be tried and found guilty, and on all other charges the minimum court costs shall be assessed, plus two dollars (\$2.00) for each continuance granted.
- (c) *Bill of costs.* The clerk shall cause to be prepared and shall keep in each case a bill of costs according to the foregoing, in such form as may be approved by the judge. The cost bill shall be subject to approval by the judge and when so approved the amount thereof shall be entered in the docket.
- (d) *Reducing or staying costs.* The judge may reduce the costs in any case by striking all or any portion of the amounts provided for in this chapter, or may stay the cost permanently, or pending further orders, or upon such conditions as he may deem advisable in the interest of justice.
- (e) *Assessing costs.* Costs shall be assessed against the defendant when the defendant pleads or is found guilty, or when the case against him is dismissed upon condition of payment of court costs or such portion thereof as may be required by the judge, and costs shall also be assessed in accordance with the provisions of section 15-31 in cases of conviction of criminal contempt, and forfeitures of bonds so far as applicable to the particular case.

(Ord. No. 1959, § II(8.31), 4-24-84)

Sec. 15-33. - Failure to appear in municipal court.

It shall be unlawful for any person to willfully fail to appear in the municipal court when directed to do so pursuant to a complaint, information, bond return, summons, order, subpoena, execution, or other process or order. Proof of delivery or mailing of the complaint, information, bond return, summons, order, subpoena, execution or other process or order to the person shall establish a presumption of knowledge by that person of his or her appearance date.

(Ord. No. 3191, § 1, 6-11-91; Ord. No. 3818, § 1, 2-24-04)

Sec. 15-34. - Authorized disposition.

Whenever any person has been found guilty of an ordinance violation the court shall make one (1) or more of the following dispositions of the offender in any appropriate combination.

The court may:

- (1) Sentence the person to a term of imprisonment as authorized by section 1-6 of this Code;
- (2) Sentence the person to pay a fine as authorized by section 1-6 of this Code;
- (3) Suspend the imposition of sentence, with or without placing the person on probation;
- (4) Pronounce sentence and suspend its execution, place the person on probation;
- (5) Impose a period of detention as a condition of probation, as authorized by RSMo § 559.026

- (6) Impose any special sentence or sanction authorized by law.

(Ord. No. 3666, § 1, 5-8-01)

Chapter 16 - OFFENSES—MISCELLANEOUS^[1]

Footnotes:

-- (1) --

State Law reference— *Crimes and punishment, RSMo Ch. 556 et seq.*

ARTICLE I. - IN GENERAL

Sec. 16-1. - Assault.

A person commits the offense of assault if:

- (1) The person attempts to cause or recklessly causes physical injury to another person; or
- (2) With criminal negligence the person causes physical injury to another person by means of a deadly weapon; or
- (3) The person purposefully places another person in apprehension of immediate physical injury; or
- (4) The person recklessly engages in conduct that creates a grave risk of death or serious physical injury to another person; or
- (5) The person willingly causes physical contact with another person knowing the other person will regard the contact as offensive or provocative; or
- (6) The person willingly causes physical contact with an incapacitated person, as defined in RSMo 475.010, which a reasonable person, who is not incapacitated, would consider offensive or provocative.

(Ord. No. 4147, § 1, 11-25-08)

Editor's note— Ord. No. 4147, § 1, adopted Nov. 25, 2008, deleted the former § 16-1, and enacted a new § 16-1 as set out herein. The former § 16-1 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Sec. 16-2. - Injury to person or property.

No person shall injure any person or damage any real or personal property as a direct and proximate result of any willful, malicious, reckless, wanton or unlawful act or use any instrumentality or thing.

(Ord. No. 502, § 1, 3-3-59; Code 1965, § 53.02)

State Law reference— Offenses against the person, RSMo Ch. 565; property damage, RSMo 569.100 et seq.

Sec. 16-3. - Unlawful use of weapons.

(a) A person commits the offense of unlawful use of weapons if he or she knowingly:

- (1) Carries concealed upon or about his or her person a knife, a firearm, a blackjack or any other weapon readily capable of lethal use; or
- (2) Sets a spring gun; or
- (3)

Discharges or shoots a firearm into a dwelling house, a railroad train, boat, aircraft, or motor vehicle as defined in section 302.010, RSMo, or any building or structure used for the assembling of people; or

- (4) Exhibits, in the presence of one (1) or more persons, any weapon readily capable of lethal use in an angry or threatening manner; or
 - (5) Possesses or discharges a firearm or projectile weapon while intoxicated; or
 - (6) Discharges a firearm within one hundred (100) yards of any occupied schoolhouse, courthouse, or church building; or
 - (7) Discharges or shoots a firearm at a mark, at any object, or at random, on, along or across a public highway or discharges or shoots a firearm into any outbuilding; or
 - (8) Carries a firearm or any other weapon readily capable of lethal use into any church or place where people have assembled for worship, or into any school, or into any election precinct on any election day, or into any building owned or occupied by any agency of the federal government, state government, or political subdivision thereof; or
 - (9) Discharges or shoots a firearm at or from a motor vehicle, as defined in section 301.010, RSMo, discharges or shoots a firearm at any person, or at any other motor vehicle, or at any building or habitable structure, unless the person was lawfully acting in self-defense; or
 - (10) Carries a firearm, whether loaded or unloaded, or any other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any function or activity sponsored or sanctioned by school officials or the district school board.
- (b) Subsection (a) of this section shall not apply to or affect any of the following:
- (1) All state, county and municipal peace officers possessing the duty and power of arrest for violation of the general criminal laws of the state or for violation of ordinances of counties or municipalities of the state, whether such officers are within or outside their jurisdictions or on or off duty, or any person summoned by such officers to assist in making arrests or preserving the peace while actually engaged in assisting such officer;
 - (2) Wardens, superintendents and keepers of prisons, penitentiaries, jails and other institutions for the detention of persons accused or convicted of crime;
 - (3) Members of the armed forces or national guard while performing their official duty;
 - (4) Those persons vested by Article V, Section 1 of the Constitution of Missouri with the judicial power of the state;
 - (5) Any person whose bona fide duty is to execute process, civil or criminal;
 - (6) Any federal probation officer;
 - (7) Any state probation or parole officer, including supervisors and members of the board of probation and parole;
 - (8) Any corporate security advisor meeting the definition and fulfilling the requirements of the regulations established by the board of police commissioners under § 84.340, RSMo; and,
 - (9) Any coroner, deputy coroner, medical examiner, or assistant medical examiner.
- (c) Subdivisions (1), (5), (8), and (10) of subsection (a) of this section do not apply when the actor is transporting such weapons in a nonfunctioning state or in an unloaded state when ammunition is not readily accessible or when such weapons are not readily accessible. Subdivision (1) of subsection (a) of this section does not apply to any person twenty-one (21) years of age or older transporting a concealable firearm in the passenger compartment of a motor vehicle, so long as such concealable

firearm is otherwise lawfully possessed, nor when the actor is also in possession of an exposed firearm or projectile weapon for the lawful pursuit of game, or is in his or her dwelling unit or upon premises over which the actor has possession, authority or control, or is traveling in a continuous journey peaceably through this state. Subdivision (10) of subsection (a) of this section does not apply if the firearm is otherwise lawfully possessed by a person while traversing school premises for the purposes of transporting a student to or from school, or possessed by an adult for the purposes of facilitation of a school-sanctioned firearm-related event.

- (d) Subdivisions (1), (8), and (10) of subsection (a) of this section shall not apply to any person who has a valid concealed carry endorsement issued pursuant to section 571.094, RSMo or a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state.
- (e) Subdivisions (3), (4), (5), (6), (7), (8), (9), and (10) of subsection (a) of this section shall not apply to persons who are engaged in a lawful act of defense pursuant to section 563.031, RSMo.
- (f) Nothing in this section shall make it unlawful for a student to actually participate in school-sanctioned gun safety courses, student military or ROTC courses, or other school-sponsored firearm-related events, provided the student does not carry a firearm or other weapon readily capable of lethal use into any school, onto any school bus, or onto the premises of any other function or activity sponsored or sanctioned by school officials or the district school board.

(Ord. No. 24, § 6, 1-10-50; Code 1965, § 53.04; Ord. No. 3823, § 1, 3-9-04)

State Law reference— Possession of certain weapons, RSMo 571.020.

Sec. 16-4. - Concealed weapons.

- (a) No person who has been issued a concealed carry endorsement by the Missouri Director of Revenue under Section 571.094 RSMo., or who has been issued a valid permit or endorsement to carry concealed firearms issued by another state or political subdivision of another state, shall, by authority of that endorsement or permit, be allowed to carry a concealed firearm or to openly carry a firearm into:
 - (1) Any police station or substation in the City of Crestwood without the consent of the chief of police of the city. Possession of a firearm in a vehicle on the premises of any police station or substation shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.
 - (2) Within twenty-five (25) feet of any polling place on any election day. Possession of a firearm in a vehicle on the premises of the polling place shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 - (3) The facility of any adult or juvenile detention or correctional institution, prison or jail. Possession of a firearm in a vehicle on the premises of any adult, juvenile detention, or correctional institution, prison or jail shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 - (4) Any meeting of the Crestwood Board of Aldermen. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
 - (5) Any building owned, leased or controlled by the City of Crestwood which is clearly identified by signs posted at the entrance to the building or at the restricted area to indicate that carrying a concealed weapon in the building or in a restricted area is prohibited. However, firing ranges, any

building used for public housing by private persons, and any private dwellings owned, leased or controlled by the city are exempted from this restriction unless carrying of a firearm is otherwise prohibited by federal law. All persons violating this subdivision shall be denied entrance to the building, ordered to leave the building, and if any person refuses to leave the premises, such person shall be deemed to be trespassing upon city property and shall be subject to the penalties prescribed under section 16-28 of the Crestwood Code of Ordinances in addition to being issued a citation for violation of this section as provided for herein. If such persons are employees of the city, they may also be subjected to disciplinary measures;

- (6) Any establishment licensed to dispense intoxicating liquor or nonintoxicating beer for consumption on the premises, which portion is primarily devoted to that purpose without the consent of the owner or manager. The provisions of this subdivision shall not apply to the licensee of said establishment. The provisions of this subdivision shall not apply to any bona fide restaurant open to the general public having dining facilities for not less than fifty (50) persons and that receives at least fifty-one (51) percent of its gross annual income from the dining facilities by the sale of food. This subdivision does not prohibit the possession of a firearm in a vehicle on the premises of the establishment and shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises. Nothing in this subdivision authorizes any individual who has been issued a concealed carry endorsement to possess any firearm while intoxicated;
- (7) Any place where the carrying of a firearm is prohibited by federal law;
- (8) Any higher education institution or elementary or secondary school facility without the consent of the governing body of the higher education institution or a school official or the district school board. Possession of a firearm in a vehicle on the premises of any higher education institution or elementary or secondary school facility shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (9) Any portion of a building used as a child care facility without the consent of the manager. Nothing in this subdivision shall prevent the operator of a child care facility in a family home from owning or possessing a firearm or a driver's license or nondriver's license containing a concealed carry endorsement;
- (10) Any gated area of an amusement park. Possession of a firearm in a vehicle on the premises of the amusement park shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (11) Any church or other place of religious worship without the consent of the minister or person or persons representing the religious organization that exercises control over the place of religious worship. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;
- (12) Any private property whose owner has posted the premises as being off-limits to concealed firearms by means of one (1) or more signs displayed in a conspicuous place of a minimum size of eleven (11) inches by fourteen (14) inches with the writing thereon in letters of not less than one (1) inch. The owner, business or commercial lessee, manager of a private business enterprise, or any other organization, entity, or person may prohibit persons holding a concealed carry endorsement from carrying concealed firearms on the premises and may prohibit employees, not authorized by the employer, holding a concealed carry endorsement from carrying concealed

firearms on the property of the employer. If the building or the premises are open to the public, the employer of the business enterprise shall post signs on or about the premises if carrying a concealed firearm is prohibited. Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(13) Any sports arena or stadium with a seating capacity of five thousand (5,000) or more.

Possession of a firearm in a vehicle on the premises shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises;

(14) Any hospital or medical care facility accessible by the public. Possession of a firearm in a vehicle on the premises of a hospital shall not be a criminal offense so long as the firearm is not removed from the vehicle or brandished while the vehicle is on the premises.

(b) Carrying of a concealed firearm in a location prohibited by subsections 1—14 of section 16-4(a) by any individual who holds a concealed carry endorsement issued pursuant to RSMo. § 571.094 shall not be a criminal act but may subject the person to denial to the premises or removal from the premises. If such person refuses to leave the premises and a peace officer is summoned, such person may be issued a citation for a violation of section 16-4(a) in an amount not to exceed one hundred dollars (\$100.00) for the first offense in addition to citation(s) for violation(s) of other provisions of the Crestwood Code of Ordinances. If a second citation for a similar violation of section (a) occurs within a six-month period, such person shall be fined an amount not to exceed two hundred dollars (\$200.00) and his or her endorsement to carry concealed firearms shall be suspended for a period of one (1) year. If a third citation for a similar violation of section 16-4(a) is issued within one (1) year of the first citation such person shall be fined an amount not to exceed five hundred dollars (\$500.00) and shall have his or her concealed carry endorsement revoked and such person shall not be eligible for a concealed carry endorsement for a period of three (3) years. Upon conviction of charges arising from a citation issued pursuant to this section, the court shall notify the sheriff of the county which issued the certificate of qualification for a concealed carry endorsement and the department of revenue. Nothing contained herein shall prohibit the issuance of citations for violations of any other provisions of the Crestwood Code of Ordinances.

(Ord. No. 24, §§ 7, 8, 1-10.50; Code 1965, § 53.05; Ord. No. 3823, § 2, 3-9-04)

State Law reference— Possession of concealable firearm, RSMo 571.070.

Sec. 16-5. - Use of weapons or missiles.

(a) It shall be unlawful to discharge any missile or projectile in the City from any air rifle, pellet rifle, bow, cross-bow, blow gun, paintball gun, slingshot or other contrivance or apparatus capable of discharging any missile or projectile which might or could cause injury to person or property, or to threaten to injure any person or property with any such contrivance or apparatus or any missile, projectile, weapon, club or other thing that might or could cause injury to person or property.

(b) The board of aldermen may, by special permit, authorize any responsible person, group, or association, to conduct shooting matches, contests or exhibitions with weapons or other missile discharging instrumentalities in the city when satisfied that the safety and peace of the citizens of the city will not be disturbed.

(Ord. No. 4243, § 1, 3-23-10)

Sec. 16-6. - Hunting.

- (a) No person shall hunt any wild game, birds or animals with firearms, airguns, air-rifles or bows and arrows within the city.
- (b) It shall be prima facie evidence and proof of the violation of this section if it is established that any person carrying firearms or airguns or air-rifles and cartridges, bullets or missiles adapted thereto, whether such person is accompanied by hunting dogs or not, is found in any open fields, woods, lots or other places where wild game, birds or animals may reasonably be expected to be found.

(Ord. No. 18, §§ 1, 2, 10-25-49; Code 1965, § 53.06)

State Law reference— Fish and game, RSMo Ch. 252.

Sec. 16-7. - Discharge of firearms.

No person, not a member of the police force, or on duty in a military corps acting under orders from the commander thereof, shall discharge any firearm in the city.

(Ord. No. 19, § 3, 10-25-49; Code 1965, § 53.08)

State Law reference— Power of city to prevent the discharge of firearms, RSMo 79.450.

Sec. 16-8. - Sale of firearms or ammunition to minors.

No person shall sell to any minor any firearm without the consent of the parent or guardian of such minor, or, without such consent sell to any minor under the age of sixteen (16) years any cartridge or shell or fixed ammunition of which fulminate is a component part.

(Ord. No. 19, § 5, 10-25-49; Code 1965, § 53.09)

Sec. 16-9. - Confiscation of firearms.

- (a) The chief of police and police officers shall impound any firearm illegally discharged in the city and hold it subject to such orders as the municipal court may make with reference thereto.
- (b) In lieu of any other penalty, the judge may order the firearm in question confiscated, in which event the chief of police shall sell the firearm so confiscated for the best price reasonably available and turn the proceeds of such sale into the city treasury, as in the case of other fines.

(Ord. No. 19, §§ 7, 8, 10-25-49; Code 1965, § 53.10)

State Law reference— Confiscation of firearms and ammunition, RSMo 571.095.

Sec. 16-10. - Refrigerators; closed containers.

Any person owning, maintaining or discarding any icebox, refrigerator, trunk or other receptacle, with a capacity in excess of one (1) cubic foot, having doors or drawers with automatic locks or locking latches, shall remove the doors or drawers or locks or latches unless such icebox, refrigerator, trunk or other receptacle is maintained or used in the actual living quarters of a private residence, or within the enclosed portion of commercial or industrial establishments. This section shall apply to all such iceboxes, refrigerators, trunks and other receptacles on or in yards, enclosures, porches, sidewalks, areaways, attics, cellars, basements, garages, sheds, barns, stables, warehouses or other places accessible to children not under the supervision of adults.

(Ord. No. 347, § 1, 11-20-56; Code 1965, § 53.11)

State Law reference— Abandonment of airtight or semi-airtight containers, RSMo 577.100.

Sec. 16-11. - Disturbing the peace

No person shall willfully disturb the peace of any neighborhood or of any family or of any group or gathering of persons by loud and unusual noise or by offensive or indecent conversation or by threatening, quarreling, challenging or fighting, or upon any public or quasi-public premises by endangering the lives or safety of any person or persons, or by annoying or disturbing the quiet enjoyment of such premises by other persons through boisterous, rowdy or willfully careless conduct.

(Ord. No. 326, § 1, 7-31-56; Code 1965, § 53.12)

State Law reference— Proceedings to preserve the peace, RSMo Ch. 542; power of city to prohibit disturbances of the peace, RSMo 79.450; peace disturbance, RSMo 574.010 et seq.

Sec. 16-12. - Disorderly conduct; begging.

Disorderly conduct shall consist of begging on the streets or in public places; going from house to house soliciting alms or funds without a license or permit; appearing in public places in an intoxicated condition; using loud or profane language within the hearing of other persons; cursing or threatening any person or annoying persons with threats or abusive or foul language; or acting in a threatening manner towards any person as if to strike or injure him in any manner or with any instrumentality whatsoever; or to lay hands upon, strike, push or shove any person; fleeing from or evading arrest or questioning by a police officer; resisting or interfering with a police officer in the performance of his duties; or trespassing upon private property of other persons; hindering or obstructing any vehicles upon the public streets in the city, lounging or sleeping in public places or on the private property of other persons; peeping, peering or spying into houses or dwelling places occupied by any person or persons, through doors, windows or otherwise, whether the occupants are within the premises or not; or making any indecent proposal to any person, or any lewd or lascivious condition or indecent exposure of the person. Disorderly conduct as herein defined is prohibited within the city.

(Ord. No. 118, §§ 1, 2, 12-16-52; Code 1965, § 53.20)

Sec. 16-13. - Riotous assemblies.

Any two (2) or more persons shall not assemble together to, or, being assembled, shall not act in concert to do any unlawful act with force and violence against the property of the city, or the person or property of another, or against the peace or to the terror of others, or make any movement or preparation therefor. Any person present at such meeting or assembly shall endeavor to prevent the commission or perpetration of such unlawful act, when ordered by a lawful officer.

(Ord. No. 24, § 1, 1-10-50; Code 1965, § 53.13)

State Law reference— Unlawful assembly, penalty, RSMo 574.040; rioting, RSMo 574.050.

Sec. 16-14. - Breach of the peace; disorderly conduct.

No person shall disturb the peace of others by violent, tumultuous, offensive conduct or carriage, or by loud and unusual noises, or by unseemly, profane, obscene or offensive language, calculated to provoke a breach of the peace, or by assaulting, striking or fighting another. No person shall permit any such conduct in or upon any house or premises owned or possessed by him or under his management or control, so that others in the vicinity are disturbed thereby.

(Ord. No. 24, § 2, 1-10-50; Code 1965, § 53.14)

State Law reference— Peace disturbance, RSMo 574.010.

Sec. 16-15. - Loitering.

(a) *Definition.* Any person found standing or strolling, alone or in the company of others, in, about or upon any street, alley, drive-in or parking alley or other public way or place, or any quasi-public place, or at any public gathering or assembly, or in or around any single store or group of stores, shops or business or commercial establishments, or on any private property or place, without lawful business, and who shall:

- (1) Conduct himself in a lewd, wanton or lascivious manner or speech or behavior;
- (2) Be guilty of acting in an unruly, offensive manner by shoving other persons, brushing against or pushing any person or persons or by loud, boisterous or obscene language; or
- (3) Commit any nuisance or act of vandalism;

and shall refuse to vacate and leave such place or disperse and discontinue the acts or any of them hereinabove enumerated in which he participated, when requested to do so by a police officer, is loitering.

(b) *Prohibited.* Loitering as herein defined is prohibited in the city.

(Code 1965, § 53.42; Ord. No. 1165, § 1, 12-16-69)

Sec. 16-16. - Disturbing religious worship.

No person shall disquiet or disturb any congregation or assembly met for religious worship by making a noise, or by rude or indecent behavior or profane discourses within their place of worship, or so near the same as to disturb the order or solemnity of the meeting.

(Ord. No. 24, § 3, 1-10-50; Code 1965, § 53.15)

State Law reference— Power of city to prohibit disturbances of religious assemblies, RSMo 79.450.

Sec. 16-17. - Disturbing lawful assembly.

No person shall disturb any lawful assembly of people by rude and indecent behavior, or be found loitering at the corners of the streets, or in the vicinity of any place of amusement, restaurant or hotel, or thoroughfare, and refuse to disperse or vacate such place when requested to do so by a police officer.

(Ord. No. 24, § 4, 1-10-50; Code 1965, § 53.16)

Sec. 16-18. - Noise.

(a) *Prohibited.* Subject to the provisions of this section, the creation, or permission upon premises owned or occupied by any person, of any unreasonably loud, unusual, disturbing or unnecessary noise in the city is hereby prohibited. In addition to the owners or occupiers of said premises, the manager and/or persons in charge of said premises shall be guilty of violation of this section if any noise prohibited herein is permitted.

(b) *Noises enumerated.* The following acts, among others, are declared to be loud, unusual, disturbing and unnecessary noises in violation of this chapter, but said enumeration shall not be deemed to be exclusive, namely:

- (1) The crying or hawking of newspapers or goods, wares and merchandise between the hours of 9:00 p.m. and 8:00 a.m.;
- (2) The playing of any orchestra, radio, phonograph, amplifiers or musical instrument or instruments, or singing upon any premises while used for a commercial open air garden, outdoor restaurant, G-Community Multiple Dwelling District or other business conducted in the open air

where the boundaries of such premises are located within five hundred (500) feet of any residence or building used or occupied for private family residential purposes between the hours of 10:00 p.m. and 8:00 a.m.;

- (3) The erection, excavation, demolition, alteration, or repair of any building or structure other than between the hours of 7:00 a.m. and 7:00 p.m. Monday through Saturday, unless extended hours are granted by the director of public works.
- (4) The use of sound trucks, calliopes, mechanical loud speakers or amplifiers on any vehicle used for advertising or other purposes except when a permit for such use over a specified route is issued by the mayor, and except within the time and subject to the regulations specified in said permit;
- (5) The playing in the open air of tennis, badminton, horseshoes, baseball or other outdoor game within one hundred (100) feet of any residence or building used or occupied for private family residential purposes between the hours of 12:00 midnight and 8:00 a.m.;
- (6) The sounding of any horn or other signal device on any street by a motor bus, motorcycle, truck, automobile or other vehicle for an unnecessary or unreasonable period of time;
- (7) The use of any loud speaker, drum or other device or instrument for the purpose of attracting attention to a place of business or other premises or to advertise any business;
- (8) The playing of any radio, phonograph, amplifiers or musical instruments in such manner or with such volume, particularly between the hours of 10:00 p.m. and 8:00 a.m., as to tend to annoy or disturb the quiet or repose of persons in any dwelling, hotel, motel or other type of residence, provided that such noise can be distinctly heard at a distance of more than fifty (50) feet from its source shall be deemed excessive. Except organized groups may obtain a permit from the city administrator to extend said time between 10:00 p.m. and 8:00 a.m. to 12:00 midnight and 8:00 a.m.;
- (9) The creation of any excessive or unnecessary noise within one hundred fifty (150) feet of any portion of grounds and premises on which is located a hospital or other institution reserved for the sick, or any church or school or other institution of learning or court or other public buildings, library and the like, while the same are open or in session which unreasonably interferes with the proper functioning of any such place above mentioned; provided conspicuous signs are placed in the public highways indicating quiet zones within which such noises are prohibited. In case of emergency or urgent necessity, a permit may be issued by the mayor for such noises within such zones for limited periods during the existence of such emergency.

(Ord. No. 24, §§ 12, 13, 1-10-50; Code 1965, § 53.17; Ord. No. 1144, § 1, 8-26-69; Ord. No. 1705, § 1, 6-13-78; Ord. No. 1764, § 1, 10-23-79; Ord. No. 3890, §§ 1—3, 2-22-05)

Cross reference— Zoning and subdivision regulations, Ch. 26.

Sec. 16-19. - Sounding of railroad whistles and horns.

No person operating a railroad engine shall sound the engine whistle or horn in approaching or crossing a public street or highway, public alley or public sidewalk within the city, except in an emergency, when the operator of the engine deems it necessary to sound such whistle or horn to prevent an accident at such crossing.

(Code 1965, § 53.175; Ord. No. 1094, § 1, 10-8-68)

State Law reference— Power of city to regulate railroad crossings, RSMo 79.420; bell and whistle at crossings, RSMo 389.990.

Sec. 16-20. - Music in streets.

It shall not be lawful for any military company or any procession, or any body of persons accompanied by martial music to march or pass through, or for any person to play on any musical instrument in any of the streets of the city within one (1) block of any house of worship on Sunday during the hours of worship. Nor shall it be lawful for any band of music to play in the streets for any procession with advertising devices or to move on the streets without a permit from the mayor. A military company, organized under the laws of the state, may parade with a band of music on any day except Sunday without a permit.

(Ord. No. 24, § 5, 1-10-50; Code 1965, § 53.18)

Sec. 16-21. - Crowd attractions.

- (a) If any business or commercial establishment, or group of businesses or merchants, or their agents or persons acting for them, propose to conduct any display, show, contest, exhibition, parade or other activity or event calculated to produce any unusual congestion of traffic or gathering of persons or both, such person or persons shall give notice thereof to the chief of police at least five (5) days before such event and apply for a permit to hold or conduct the same. The application for permit shall explain the nature of the affair in writing, giving particulars as to location and time.
- (b) The chief of police is hereby authorized to make such reasonable requirements in connection with the holding or conducting of such affairs, with respect to the entrance and exit of vehicles and pedestrians, the parking of cars, the maintenance of open traffic lanes and gathering of crowds as may be necessary to prevent undue traffic congestion, protect persons and property from injury or damage and maintain passageway for police and fire and other emergency vehicles.
- (c) The chief of police may, if he deems it necessary, in writing state the terms and conditions upon which the permit is issued, and if necessary for the protection of the public may, as a condition for such permit, require the applicant to provide personnel who shall act under the direction of the police to direct traffic and control the assemblage of persons. If the activity involves the use of aircraft, fireworks, missiles, racing of motor vehicles or other dangerous instrumentalities or animals, the chief of police shall require, as a condition for such permit, evidence of the existence of public liability insurance with limits not less than one hundred thousand dollars (\$100,000.00)/three hundred thousand dollars (\$300,000.00).
- (d) The chief of police may waive requirement for a written application for a permit and, if he deems it unnecessary, he may in his discretion establish such special reasonable rules for the handling of traffic and assemblages of persons as may be best calculated to protect the public.

(Ord. No. 487, §§ 1—4, 11-25-58; Code 1965, § 53.19)

Cross reference— Motor vehicles and traffic, Ch. 14; police department, Ch. 20; streets and sidewalks, Ch. 24.

Sec. 16-22. - Harassment.

A person commits the crime of harassment if, for the purpose of frightening, threatening, disturbing or annoying another person, he/she:

(1)

Communicates in writing, by telephone or by any telecommunications means a threat to commit a crime; or

- (2) Makes a telephone call, communicates in writing or by any telecommunications means and uses profane or coarse language offensive to one of average sensibility; or
- (3) Makes a telephone call or communications through the internet or any other telecommunication medium using a false identification; or
- (4) Makes repeated telephone calls so as to constitute a nuisance or annoyance or disturbance of the peaceful or quiet enjoyment of a residence or place of business.

For purposes of this section, an offense shall be deemed to have been committed in the city if the writing, telephone, telecommunication or internet communication is made or received within the city.

(Ord. No. 4118, § 1, 2-26-08)

Editor's note— Ord. No. 4118, § 1, adopted Feb. 26, 2008, deleted the former § 16-22, and enacted a new § 16-22 as set out herein. The former § 16-22 pertained to annoying telephone calls. See the Code Comparative Table for complete derivation.

State Law reference— Harassment, RSMo 565.090.

Sec. 16-23. - Vagrancy.

Every person who may be found loitering around houses of ill-fame, gambling houses or places where liquors are sold or drunk, without any visible means of support, or shall attend or operate any gambling device or apparatus, or be engaged in practicing any trick or device to procure money or other thing of value, or shall be engaged in any unlawful calling, and every able-bodied married man who shall neglect or refuse to provide for the support of his family, and every person found loitering in this city or tramping or wandering around from place to place without any visible means of support, shall be deemed a vagrant. No person shall be a vagrant in the city.

(Ord. No. 58, § 1, 10-24-50; Code 1965, § 53.22)

State Law reference— Power of city to prohibit vagrancy, RSMo 79.460.

Sec. 16-24. - Obedience to subpoena.

Every person who shall have been personally served with a subpoena issued by any board or officer of the city having the power and authority to issue such subpoena, commanding the attendance of such person or the production of any books, papers or documents, shall, unless he has reasonable and legal excuse, produce the books, papers and documents therein specified and testify fully as to his knowledge concerning the matters and things then being lawfully investigated by such board or officer.

(Ord. No. 24, § 23, 1-10-50; Code 1965, § 53.23)

State Law reference— Obedience to subpoena, RSMo 545.340; attendance of witnesses, RSMo 491.140 et seq.; subpoena, service, disobedience, Supreme Court Rule 25.20.

Sec. 16-25. - Resisting, interfering with or impersonating an officer.

- (a) No person shall falsely represent himself to be a policeman or an officer of this city, or shall, without being duly authorized by the city, exercise or attempt to exercise any of the duties, functions or powers of a city officer or member of the police department; or shall resist, hinder, obstruct or

otherwise interfere with any policeman or city officer in the discharge of his official duties, or attempt to aid any person in his custody to escape.

- (b) It shall be unlawful for any person in the city, without being authorized so to do, to wear, display or have on his person any badge, shield, button, pin or emblem which purports, represents or indicates that the wearer or possessor thereof is vested or endowed with official powers, or with authority to make arrests, or in any manner to exercise governmental or police powers, or which shall purport, represent or indicate that the wearer or possessor thereof is a duly appointed or elected sheriff, deputy sheriff, police officer, federal bureau of investigation member or agent, detective, city, state or federal officer, inspector or agent or private detective or watchman.

(Ord. No. 24, §§ 24, 25, 1-10-50; Code 1965, § 53.24)

State Law reference— False impersonation, penalties, RSMo 575.120.

Sec. 16-26. - Driving over lawn.

No person shall drive a motor vehicle over the lawn of any property holder in the city without the property holder's consent. Whenever the identity of the operator of a motor vehicle which has violated this section cannot be determined, the owner, or person in whose name such vehicle is registered, shall be held prima facie responsible for such violation.

(Code 1965, § 53.24; Ord. No. 1563, 3-25-75)

Sec. 16-27. - False reports.

- (a) No person shall make a false report of any violation of the law or ordinances of the city to any police officer of the city.
- (b) No person shall give any false information to any police officer of the city concerning any act or thing done or omitted to be done by any other person.
- (c) No person shall intentionally give any false alarm of fire.

(Ord. No. 221, 4-12-55; Ord. No. 318, 7-31-56; Code 1965, § 53.25)

State Law reference— False reports, RSMo 575.080.

Sec. 16-28. - Trespassing on or damaging property.

- (a) *Generally.* No person, without lawful authority, or without the expressed or implied consent of the owner or his agent, shall enter any building or enter on any enclosed or improved real estate, lot or parcel of ground in the city, or being upon the land of another shall fail or refuse to leave the same when requested so to do by the person lawfully in possession thereof, his agent or representative.
- (b) *Public property.* It shall be unlawful for any person to intentionally or willfully damage any property belonging to the city or, without permission, enter upon any public park or building belonging to the city or remain upon the premises, park land or building of this city after being requested to leave by a person with authority over such place.
- (c) *Damaging property.* No person shall damage or deface any building, structure, vehicle, equipment, appliance, furniture, tools, fence, tree, sign or property belonging to the city, or any property holder in the city.
- (d) *Reward; reporting damaged public property.* A standing reward of fifty dollars (\$50.00) is hereby offered to all members of the public, except officials and police officers of the city, for information leading to the arrest and conviction of any person destroying or defacing city property. If two (2) or more persons furnish information pertaining to the same offense. or series of offenses. the board of

aldermen shall determine which is entitled to the reward, or may order the reward divided among two (2) or more such persons, as in the judgment of the board appears proper, and the decision of the board in any event shall be final. Payment of rewards under this section shall be by order of the board of aldermen.

(Code 1965, § 53.27; Ord. No. 1823, § 1, 5-12-81)

State Law reference— Trespass, penalties, RSMo 569.140, 569.150; property damage, RSMo 569.100 et seq.

Sec. 16-29. - Abandoned vehicles.

(a) *Definitions.* The following definitions shall apply in the interpretation and enforcement of this section:

Property shall mean any real property within the city which is not a street or highway.

Street or highway shall mean the entire width between the boundary lines of every way publicly maintained where any part thereof is open to the use of the public for the purposes of vehicular traffic, and shall include for the purpose of this section public walkways and sidewalks.

Vehicle shall mean a machine propelled by power, other than human power, designed to travel along the ground by use of wheels, treads, runners or slides, and transport persons or property or pull machinery and shall include, without limitation, automobile, truck, trailer, motorcycle, tractor, buggy and wagon.

(b) *Abandonment of vehicles.* No person shall abandon any vehicle within the city, and no person shall leave any vehicle at any place within the city for such time, and under such circumstances, as to cause such vehicle to appear abandoned. A failure to have any vehicle properly licensed by the city and the state, with the license properly displayed, shall be conclusive evidence of abandonment.

The parking of any vehicle on any city street continuously for a period of seven (7) days or more shall be prima facie evidence of abandonment. The police department shall give notice to the owner of any such abandoned vehicle, by placing said notice on the vehicle, that the vehicle must be moved within twenty-four (24) hours. If after the expiration of said twenty-four (24) hours the vehicle has not been moved, the owner shall be deemed guilty of an offense and upon conviction shall be punished as provided for in section 1-6 of this Code.

(c) *Leaving wrecked or nonoperating vehicle in street.* No person shall leave any partially dismantled, nonoperating, wrecked or junked vehicle on any street or highway within the city.

(d) *Disposition of wrecked or discarded vehicles.* No person in charge or control of any property within the city, whether as owner, tenant, occupant, lessee or otherwise, shall allow any partially dismantled, nonoperating, wrecked, junked or discarded vehicle to remain on such property longer than seventy-two (72) hours, and no person shall leave any such vehicle on any property within the city for a longer time than seventy-two (72) hours, except that this section shall not apply with regard to a vehicle in an enclosed building, a vehicle on the premises of a business enterprise operated in a lawful manner when necessary to the operation of such business enterprise or a vehicle when in an appropriate storage place or depository maintained in a lawful place and manner by the city.

(e) *Impounding vehicles.* The chief of police, or any member of his department designated by him, is hereby authorized to remove or have removed any vehicle left at any place within the city which reasonably appears to be in violation of this section, or lost, stolen or unclaimed. Such vehicle shall be

impounded until lawfully claimed or disposed of in accordance with the provisions of sections 24-10—24-12 of this Code.

- (f) *Violations.* Any person violating any of the provisions of this section, notwithstanding any other remedy for such violation herein provided, such as the impounding of vehicles or any other remedies, shall be deemed guilty of an offense.
- (g) *Conflict resolved.* Nothing in this section shall be construed to conflict with or repeal any provisions of any applicable zoning ordinance or other code or regulation of the city prohibiting the abandonment of vehicles or the storage or maintenance of partially dismantled, nonoperating, wrecked or junked vehicles on any property within the city.

(Code 1965, § 53.44; Ord. No. 1002, § 1, 3-28-67; Ord. No. 1070, § 1, 7-9-68; Ord. No. 1889, § 1, 1-11-83)

Cross reference— Motor vehicles and traffic, Ch. 14; zoning, Ch. 26.

Sec. 16-30. - Tampering with motor vehicles.

- (a) No person shall drive, operate, use or tamper with a vehicle or trailer without the permission of the owner thereof.
- (b) No person shall, without the permission of the owner or person in charge thereof, climb upon or into, or swing upon any vehicle or trailer, whether the same is in motion or at rest, or sound the horn or other sound-producing device thereon, or attempt to manipulate any of the levers, starting device, brakes or machinery thereof, or set the machinery in motion.
- (c) The provisions of this section shall apply to any person employed by the owner of the vehicle as a chauffeur or registered operator if the vehicle is driven or operated, used or tampered with without the owner's knowledge or expressed consent, or in violation of his instructions.
- (d) No person shall knowingly ride in a vehicle which has been stolen or is being operated without the consent of the owner thereof.

(Ord. No. 24, § 27, 1-10-50; Code 1965, §§ 53.28, 53.49; Ord. No. 1924, § 1, 8-9-83)

State Law reference— Tampering, RSMo 569.080 et seq.

Sec. 16-31. - Stealing.

The unlawful taking or acquiring of money, goods, chattels or other articles of value shall consist of taking custody or possession thereof or depriving the owner or other person entitled thereto of possession thereof, by burglary, by means of any confidence game or embezzlement, or by false pretenses, or by means of forgery or unlawful conversion or by false impersonation or by blackmail, or by larceny, as the foregoing are defined under the laws of the state, or by the use of slugs or counterfeit money or by theft or trickery or by breaking and entering any building. Stealing as hereinabove defined by any person in the city is prohibited.

(Code 1965, § 53.29; Ord. No. 1030, § 1, 1-9-68)

State Law reference— Stealing and related offenses, RSMo Ch. 570; peace disturbance, RSMo 574.010 et seq.

Sec. 16-32. - Receiving stolen property.

Every person who shall buy, or in any way receive, with intent to defraud, any property that shall have been stolen from another, knowing the same to have been stolen, shall, upon conviction, be punished in the same manner and to the same extent as for the stealing of the property so bought or received.

(Code 1965, § 53.295; Ord. No. 1152, § 1, 11-25-69)

State Law reference— Receiving stolen property, penalties, RSMo 570.080.

Sec. 16-33. - Defrauding innkeepers and merchants.

The word "innkeeper," as used in this section, means the operator of a hotel, inn, motel, tourist court, trailer camp or trailer court. The word "merchant," as used herein, includes the operator of a service shop, barber shop, beauty parlor or repair place, filling station or other retail establishment, store or drive-in of any kind. No person shall defraud any innkeeper or merchant by obtaining services or accommodations or goods, wares or merchandise for which payment is due at the time of receipt of such services, accommodations or goods, wares, or merchandise, or at the termination of the services or accommodations without paying the agreed consideration or the ordinary and usual price thereof. This section shall not apply to cases where credit is extended providing for payment at any time in the future.

(Ord. No. 477, §§ 1, 2, 10-14-58; Code 1965, § 53.30)

State Law reference— Similar provisions, RSMo 570.030.

Sec. 16-34. - Passing bad checks.

- (a) A bad check is any bank check or draft drawn upon a bank in which the drawer has no account or insufficient funds to pay the check, or a bank check or draft on which payment is stopped by the drawer after delivery without good and sufficient cause; and shall include the giving of any check forged by the drawer by signing it with the name of some other person without authority. The giving of a bad check is the delivery of any bad check to any person in pretended payment or reimbursement for money, goods, wares or merchandise or the rendering of any service or accommodation by such person.
- (b) The intentional giving of any bad check to any person in the city is prohibited.
- (c) As against the drawer, refusal of payment by the bank on which a check is drawn on the ground that the drawer has no account or there are insufficient funds to pay the check or because payment has been stopped without good and sufficient cause, the unpaid check and proof of the giving thereof shall be prima facie evidence of intent to defraud and of knowledge of insufficient funds on deposit with which to pay the check or of the fact that there is no account with the bank on which it is drawn or that payment was stopped without good and sufficient cause, and shall also be prima facie evidence of the fact that there were insufficient funds with which to pay the check or that the drawer had no account with the bank or that payment was stopped without good and sufficient cause, according to the reason for refusal indicated by the bank; provided that the drawer shall not have paid the drawee thereof the amount due thereon, together with all costs and protest fees within five (5) days after receiving notice that such check or draft has not been paid by the bank on which it was drawn.
- (d) It shall be incumbent upon any prosecuting witness or complainant under subsections (a)—(c) to show, as a prerequisite to such prosecution or complaint, evidence of a reasonable attempt to collect the amount due on any refused check or draft for the payment of money. "Reasonable attempt to collect" shall mean at least two (2) presentations and refusals by the bank on which it was drawn and subsequent notification to the drawer of said bank's refusal to pay, by United States mail, registered or certified, return receipt requested, delivery to addressee only.

(Code 1965, § 53.31; Ord. No. 1055, § 1, 4-23-68)

State Law reference— Passing bad checks, penalties, RSMo 570.120.

Sec. 16-35. - Handbill distribution.

No dodgers or handbills shall be distributed in the city except by exposing on counters or tables in stores or other business places or unless delivered in hand to persons on private premises or securely fixed at a doorway so as to avoid being blown about, if delivered from door to door, and none shall be passed out to groups or passerby on any street, sidewalk, alley or public place or in such proximity thereto that they are discarded in numbers thereon, and none shall be cast on lawns, yards, steps, driveways or walks on private property, so that they may be blown about or create an unsightly appearance. This shall not prohibit the distribution of sample ballots and campaign literature at or near polling places during elections.

(Ord. No. 71, 3-7-51; Code 1965, § 53.32)

Sec. 16-35.1. - Deposit of newspapers.

- (a) It shall be unlawful for any person to deposit or cause to be deposited any newspaper not subscribed for or requested, on any property within the city; provided, that the owner or occupant of such property shall have given written notice to the publisher or distributor of such newspaper, of such owner's or occupant's refusal to permit delivery of such newspaper.
- (b) Such notice shall be delivered to the publisher or distributor of the newspaper at the address indicated in such newspaper by personal delivery or by U.S. mail, postage prepaid. A copy of such notice shall be delivered to the chief of police of the city.
- (c) Any person violating the provisions of this section shall, upon conviction thereof, be subject to penalties provided for violation of city ordinances.

(Ord. No. 3240, § 1, 11-24-92)

Sec. 16-36. - Burglar tools.

No person shall make, mend, design or set up, or have in his custody or concealed about his person, any tool, false key, lock pick, bit, nippers, fuse, force screw, punch, drill, jimmy or any material, implement, instrument or other mechanical device adapted, designed or commonly used for breaking into any vault, safe, warehouse, motor vehicle, store, shop, office, dwelling house or door, window or shutter of any building.

(Ord. No. 24, § 10, 1-10-50; Code 1965, § 53.33)

Sec. 16-37. - Dance halls, etc.; closing hours.

It shall be unlawful for the owner, manager or person in charge of any public dance hall or pavilion, bowling alley or skating rink to permit same to remain open after 1:00 a.m. on any night.

(Ord. No. 24, § 11, 1-10-50; Code 1965, § 53.34)

Sec. 16-38. - Indecency.

No person shall appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or make an indecent exposure of his or her person, or be guilty of an indecent or lewd act of behavior, or exhibit, sell or offer to sell any indecent or lewd book, picture or other thing, or exhibit or perform, or permit to be exhibited or performed upon premises under his management or control, any indecent, or lewd play, show, act or representation, or one that is pornographic, as defined by law.

(Ord. No. 24, § 15, 1-10-50; Code 1965, § 53.35)

State Law reference— Indecent exposure, RSMo 566.130; obscene matter, RSMo 542.281; pornography and related offenses, RSMo Ch. 573.

Sec. 16-39. - Prostitution, lewdness and moral perversion.

(a) No person in the city shall:

- (1) Commit or agree to commit a lewd act or act of prostitution or moral perversion;
- (2) Secure or offer another for the purpose of committing a lewd act or act of prostitution or moral perversion;
- (3) Make any vulgar, lewd or obscene display of his person or any part thereof in or near any public place, any place frequented by the public or any place open to the public;
- (4) Knowingly transport any person to any place for the purpose of committing any lewd act or act of prostitution or moral perversion. This provision shall apply if any part of the act of transportation occurs within the city;
- (5) Knowingly receive or offer or agree to receive any person into any place or building for the purpose of performing a lewd act or act of prostitution or moral perversion or knowingly permit any person to remain in such place or building for any such purpose;
- (6) Direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.

(b) No prostitute, bawd or courtesan shall ply or seek to ply his or her vocation by word, sign or action on the streets, alleys or in any public place, or place which the public frequents, or at the door or window of any house or room.

(c) No person shall employ any person having a reputation of a courtesan as a waiter or to sing or dance in a lewd or indecent manner or to work as a bartender.

(d) No courtesan, prostitute or bawd shall engage in singing or dancing in any place selling alcoholic beverages or in a public place or public resort or act as a waiter or bartender.

(Code 1965, § 53.355; Ord. No. 1164, § 1, 12-16-69)

State Law reference— Sexual offenses, RSMo Ch. 566; prostitution, RSMo Ch. 567; offenses against the family, RSMo Ch. 568; pornography and related offenses, RSMo Ch. 573.

Sec. 16-40. - Curfew for minors.

(a) *Violation by minor.* It shall be unlawful for any minor under the age of seventeen (17) years to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, alleys, parks, playgrounds or other public grounds, public places and public buildings, places of amusement and entertainment, vacant lots or other unsupervised places, between the hours of 11:00 p.m. and 6:00 a.m. of the following day, official city time, except on Fridays and Saturdays, when the hours shall be 12:00 midnight to 6:00 a.m.

(b) *Parents' responsibility.* It shall be unlawful for the parent, guardian or other adult person having the care and custody of a minor under the age of seventeen (17) years to knowingly permit such minor to violate this section.

(c) *Exceptions.* The provisions of this section shall not apply when the minor is accompanied by his or her parent, guardian or other adult person having the care and custody of the minor, or where the minor is upon an emergency errand or legitimate business directed by his or her parent, guardian or other adult person having the care and custody of the minor.

- (d) *Warning, repeated violation.* Any police officer finding a child violating the provisions of this section shall warn the child to desist immediately from such violation and shall promptly report the violation to his superior officer, who shall cause a written notice to be served upon the parent, guardian or person in charge of such child, setting forth the manner in which this section has been violated. Any parent, guardian or person in charge of such child who shall knowingly permit such child again to violate the provisions of this section after receiving notice of the first violation shall be subject to the penalty provided for violation of this Code.

(Ord. No. 243, §§ 1—3, 8-9-55; Code 1965, § 53.38)

Sec. 16-41. - Minors violating curfew.

- (a) All minors offending against the proclamation by the mayor providing for a curfew under the provisions of section 542.220, RSMo, shall be deemed guilty of an offense.
- (b) Minors under sixteen (16) years of age arrested for violation of a proclamation declaring a curfew shall be turned over to the juvenile court of the county and shall be prosecuted in that court.
- (c) Minors over sixteen (16) years of age arrested for violation of a proclamation declaring a curfew shall be prosecuted in the municipal court of the city by complaint of the arresting officer or information by the city counselor, as in cases involving the violation of city ordinances.
- (d) If the violation consists of the simple offense of disobeying the curfew, the punishment upon conviction shall be a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail or juvenile detention house for not more than six (6) weeks, or by both such fine and imprisonment.
- (e) If the violation includes other offenses in addition to that described in subsection (d) above, the offender may be prosecuted on the same complaint or information for any violations of a city ordinance that may be involved and shall upon conviction be punished as authorized by this Code for each violation of the proclamation and ordinances.

(Code 1965, § 53.381; Ord. No. 1088, § 1, 9-24-68)

State Law reference— Juvenile courts, RSMo Ch. 211; keeping minors within doors, RSMo 542.220 et seq.

Sec. 16-42. - Riot curfew.

- (a) In the event of any unlawful riotous assembly in the city, the mayor or acting mayor may issue a proclamation putting into effect a curfew applying to all persons excepting city officials and law enforcement officers requiring them to remain in their places of abode for a period of not more than three (3) days during the hours between one-half (½) hour after sunset and 5:00 a.m. the next day.
- (b) It shall be unlawful for any parent or guardian and others having custody of any minors to permit such minors to violate any curfew proclaimed and ordered by the mayor or acting mayor under the provisions of this section.

(Code 1965, § 53.382; Ord. No. 1089, § 1, 9-24-68)

Sec. 16-43. - Violation of riot proclamation.

It shall be unlawful for any person in the city to violate the orders of the mayor included in any proclamation pertaining to unlawful and riotous assemblies under Chapter 542, RSMo, and ordinances of the city pertaining to the same subject. Any person violating such proclamation shall be prosecuted by complaint or information as in the case of violation of city ordinances.

(Code 1965, § 53.383; Ord. No. 1090, § 1, 9-24-68)

Sec. 16-44. - Violation of riot orders.

All persons engaged in any unlawful riotous assembly as provided in sections 574.050 and 574.060, RSMo, who shall fail to obey any lawful command given by any of the officers described in sections 542.150 and 542.170, RSMo, pertaining to unlawful, riotous assemblies, shall be deemed guilty of an offense.

(Code 1965, § 53.385; Ord. No. 1091, § 1, 9-24-68)

Sec. 16-45. - Contributing to delinquency of minors.

Any person who encourages, aids or causes a child under seventeen (17) years of age to commit any act or engage in any conduct which would be injurious to the child's morals or health or who commits any act or omits the performance of any duty which contributes to, causes or tends to cause a child under the age of seventeen (17) years to come within the provisions of subdivision (1) or (2) of section 211.031, RSMo, is guilty of an offense.

(Code 1965, § 53.386; Ord. No. 1163, § 1, 12-16-69)

State Law reference— Contributing to delinquency of child, RSMo 211.421.

Sec. 16-46. - Parental neglect.

(a) For the purpose of this section, the following words and phrases are defined as follows:

Criminal act: An act which violates the statutes of the United States, the statutes of the State of Missouri or the ordinances of the City of Crestwood, including, but not limited to, moving traffic violations, juvenile delinquency, vandalism and malicious mischief.

Minors: Any person under the age of eighteen (18) years.

Parent: Mother, father, legal guardian or any person having the care or custody of a minor.

- (b) No parent shall knowingly permit, encourage, aid or cause a minor to commit a criminal act as defined herein or engage in any conduct which would be injurious to the minor's morals or health.
- (c) No parent shall fail to exercise sufficient and effective care, vigilance, discipline and control over a minor so as to contribute to, cause or tend to cause a minor to commit a criminal act, as defined herein.

(Code 1965, § 53.387; Ord. No. 1564, 3-25-75)

State Law reference— Child protection and reformation, RSMo Ch. 210; age of majority, RSMo 431.055.

Sec. 16-47. - Molesting a minor.

No person in the presence of any minor shall indulge in any degrading, lewd, immoral or vicious habits or practices; or take indecent or improper liberties with such minor; or publicly expose his or her person to such minor in an obscene or indecent manner; or by language, sign or touching such minor, suggest or refer to any immoral, lewd, lascivious or indecent act, or shall detain or divert such minor with intent to perpetrate any of the aforesaid acts.

(Ord. No. 662, § 1, 5-16-61; Code 1965, § 53.39)

State Law reference— Child abuse, RSMo 210.110 et seq.; sexual offenses, RSMo Ch. 566.

Sec. 16-48 - Obscene material: minors

- (a) No person shall sell, lend, give away, show or have in his possession with intent to sell or give away, or to show, or advertise, or otherwise offer for loan, gift, or distribution to any minor child, any book, pamphlet, magazine, newspaper, story paper or other printed paper devoted to the publication, or principally made up of criminal news, police reports or accounts of criminal deeds, or pictures and stories of deeds of bloodshed, lust or crime, or devoted to lewd, lascivious or obscene writings, stories, narratives or pictures or both, or exhibit upon any street, or in any other place within the view or which may be within the view of any minor child, any book, magazine, pamphlet, newspaper, story paper or other paper or publication coming within the description of matters mentioned in this section, or hire, use or employ any minor child to sell or give away, or in any manner to distribute or, having the case, custody or control of any minor child, permit such child to sell, give away or in any manner to distribute, any book, magazine, pamphlet, newspaper, story paper or other paper or publication coming within the description of matters mentioned in this section.
- (b) In order to sustain a conviction under this section, it shall be essential that the city or other complainant allege in the complaint or information and prove that the defendant had knowledge of the contents of the media falling within the prohibitory provisions of this section, at the time of the alleged violation of this section.

(Ord. No. 662, §§ 2, 3, 5-16-61; Code 1965, § 53.40)

State Law reference— Pornography and related offenses, RSMo Ch. 573.

Sec. 16-49. - Waste materials; nuisance.

- (a) For the purpose of this section, the term "refuse" is any solid or liquid waste material, including, but not by way of limitation, putrescible animal and vegetable waste, metal, junk, wood, paper, chemical matter, plastics, cloth or other waste or discarded items.
- (b) The throwing, dropping, depositing or placing of refuse or debris in or upon any street, public or private, or any other public place or park, or any other private property, whether owned by such person or not, by any person in such a manner and extent as to thereby render the same unsightly, unclean or unsafe is declared to be a nuisance.
- (c) The throwing, dropping, depositing or placing of refuse or debris in any pond, lake, stream, creek, surface water drainage ditch or watercourse, any part of a storm water system or any other body of water by any person in such a manner and extent as to thereby render the same unsightly, unclean or unsafe is declared to be a nuisance.
- (d) This section shall not be construed so as to prohibit a property owner from protecting his property against erosion, so long as there is no danger of the materials used blocking, impeding or constructing the flow of the watercourse.

(Code 1965, § 53.41; Ord. No. 1813, § 1, 3-10-80)

Cross reference— Solid waste, Ch. 23.

State Law reference— Abatement of nuisances, RSMo 79.370 et seq.

Sec. 16-50. - Repairing or dismantling vehicles.

- (a) As used in this section:

Minor repairs shall mean repairs such as: Changing oil; changing spark plugs; changing, repairing or switching tires; changing the air filter or oil filter; adjusting brakes or replacing carburetors; and repairs of a similar kind.

Substantial repairs shall mean all repairs other than minor repairs.

- (b) (1) No person shall make substantial repairs to any vehicle or dismantle any vehicle upon a public street or upon private property zoned AA, A, B, C, D Residential or G Community Multiple Dwelling unless said repairs or dismantling is conducted in an enclosed area, the interior of which cannot be viewed from any surrounding residential property.
- (2) Any repairs or dismantling as authorized by subsection (b)(1) above shall only be lawful if the owner of or person controlling the residential property is performing said repairs or dismantling a vehicle owned by a member of the household.
- (c) Nothing herein shall prohibit minor repairs to be performed on a vehicle owned by a member of the household on his or her property.
- (d) Repair of vehicles for compensation is prohibited on property zoned Residential or Community Multiple Dwelling.
- (e) The repair of vehicles under this section shall not create a nuisance by excess noise, early or late work or debris accumulation.

(Ord. No. 1965, § 1, 7-10-84)

Sec. 16-51. - Constructing or repairing boats.

(a) As used in this section:

Boat shall mean watercraft of a size that requires a trailer for land transportation, and propelled by sail; inboard motor or engine; or outboard motor(s) too large to be hand-portable. Excluded from provisions of this section are small craft propelled by oars, sculls, paddles or hand-portable outboard motors, such as canoes, kayaks, inflatable rafts and flat-bottomed fishing dinghies.

Construction shall mean complete assembly from basic materials and/or formed sections of a boat hull, thwarts, bulkheads, decking and, when required, masts and spars; equipping the finished shell with navigational apparatus, furnishings, motors, electrical system and communications devices; fitting sail on windpropelled craft; and sanding and painting the completed boat.

Minor repairs shall mean repairs such as: Tuning or repairing navigational apparatus, electrical system and communication devices; changing spark plugs in motors; replacing or charging batteries; changing oil and replacing air or oil filters in motors or engines; sanding and/or painting minor portions of hull, bulkheads, decking and masts; patching or repairing canvas sail, tarpaulins or hatch covers; repairing or replacing lines and polishing brightwork.

Substantial repairs shall mean altering the design and/or arrangement of a completed boat, completed re-sanding and repainting, major repair or overhaul of inboard or outboard motors and a complete refitting of sail on wind-propelled craft.

- (b) No person shall construct or make substantial repairs to a boat upon a public street or upon private property zoned AA, A, B, C or D Residential or G Community Multiple Dwelling unless said construction or repairs are conducted in an enclosed area, the interior of which cannot be viewed from any surrounding residential property.
- (c) Construction or substantial repairs shall be lawful only if the owner of or person controlling the residential property is performing said construction or repairs on a boat owned by a member of his or her household.

- (d) Nothing in this section shall prohibit minor repairs to be performed on a boat by its owner on his or her property.
- (e) Any construction or repair of boats allowed under this section must not create a nuisance by either excessive noise, late work or accumulation of debris.

(Ord. No. 1971, § 1, 8-28-84)

Sec. 16-52. - Fraudulent use of charge accounts, credit cards or devices.

No person, with intent to defraud or to aid and abet another to defraud any person of the lawful charge, in whole or in part, for any goods, wares or services, shall obtain, or attempt to obtain, or aid and abet another to obtain or attempt to obtain, any goods, wares or services by charging such goods, wares or services to an existing telephone number, credit card, credit card number or other credit devices, without the authority of the subscriber thereto or the lawful holder thereof, or by charging such goods, wares or services to a nonexisting, false, fictitious or counterfeit telephone number, credit card, credit card number or other credit device, or to a suspended, terminated, expired, cancelled or revoked telephone number, credit card, credit card number or other credit device, or by use of a code, prearranged scheme or other similar stratagem or device whereby said person, in effect, sends or receives information, or by installing, rearranging or tampering with any facilities or equipment, either physically, inductively, acoustically or electrically, or by any other trick, stratagem, impersonation, false pretense, false representation, false statement, contrivance, device or means.

(Code 1965, § 53.45; Ord. No. 1146, § 1, 9-9-69)

State Law reference— Fraudulent use of credit device, penalties, RSMo 570.130.

Sec. 16-53. - Offenses concerning controlled substances.

- (a) *Definitions.* The words and phrases as used in this section shall have the same meanings as set forth in RSMo 195.010, as amended, and such section is hereby adopted in its entirety and incorporated as if set forth herein verbatim.
- (b) *Prohibited acts.*
 - (1) It is unlawful for any person to manufacture, possess, have under his/her control, sell, prescribe, administer, dispense, distribute or compound any controlled, or imitation, substance, except as authorized in RSMo 195.010 to 195.320.
 - (2) It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this section.
 - (3) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia, knowing or under circumstances where one reasonably should know, that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled substance or an imitation controlled substance in violation of this section.
 - (4) It is unlawful for any person to place in any newspaper, magazine, handbill or other publication, any advertisement, knowing, or under circumstances where one reasonably should know, that the purpose of the advertisement, in whole or in part, is to promote the sale of objects

designated, or intended, for use as drug paraphernalia.

- (5) It is unlawful for any person to use or to possess an imitation controlled substance in violation of this section.
 - (6) It is unlawful for any person to deliver, possess with intent to deliver, manufacture with intent to deliver, or cause to be delivered any imitation controlled substance in violation of this section.
 - (7) It is unlawful for any person to place in a newspaper, magazine, handbill or other publication, or to post or distribute in any public place, any advertisement or solicitation with reasonable knowledge that the purpose of the advertisement, or solicitation, is to promote the distribution of imitation controlled substances.
- (c) *User to keep in container in which obtained.* A person to whom, or for whose use, any controlled substance has been prescribed, sold or dispensed by a physician, dentist, podiatrist or pharmacist, or other person authorized under the provisions of RSMo 195.050, and the owner of any animal for which any such drug has been prescribed, sold or dispensed by a veterinarian, may lawfully possess it only in the container in which it was delivered to him/her by the person selling or dispensing the same.
- (d) *Places used for illegal sale and use—Nuisances.* Any room, building, or structure which is used for the illegal use, keeping or selling of controlled substances shall be deemed a "public nuisance". No person shall keep or maintain such a public nuisance in violation of this Code.

(Ord. No. 4148, § 1, 11-25-08)

Editor's note— Ord. No. 4148, § 1, adopted Nov. 25, 2008, repealed the former § 16-53, and enacted a new § 16-53 as set out herein. The former § 16-53 pertained to drugs. See the Code Comparative Table for complete derivation.

Sec. 16-54. - Drug paraphernalia.

- (a) *Definition.* As used in this section, the term "drug paraphernalia" means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise introducing into the human body a controlled dangerous substance in violation of this section. It includes but is not limited to:
- (1) Kits used, intended for use or designed for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled dangerous substance or from which a controlled dangerous substance can be derived;
 - (2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled dangerous substances;
 - (3) Isomerization devices used, intended for use or designed for use in increasing the potency of any species of plant which is a controlled dangerous substance;
 - (4) Testing equipment used, intended for use or designed for use in identifying or in analyzing the strength, effectiveness or purity of controlled dangerous substances;
 - (5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled dangerous substances;
 - (6) Dilutents and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose used, intended for use or designed for use in cutting controlled dangerous substances;

Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;

- (8) Blenders, bowls, containers, spoons and mixing devices used, intended for use or designed for use in compounding controlled dangerous substances;
 - (9) Capsules, balloons, envelopes and other containers used, intended for use or designed for use in packaging small quantities of controlled dangerous substances;
 - (10) Containers and other objects used, intended for use or designed for use in storing or concealing controlled dangerous substances;
 - (11) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled dangerous substances into the human body;
 - (12) Objects used, intended for use or designed for use in ingesting, inhaling or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - b. Water pipes;
 - c. Carburetion tubes and devices;
 - d. Smoking and carburetion masks;
 - e. Roach clips: Meaning objects used to hold burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
 - f. Miniature cocaine spoons, and cocaine vials;
 - g. Chamber pipes;
 - h. Carburetor pipes;
 - i. Air-driven pipes;
 - j. Chillums;
 - k. Bongs; or
 - l. Ice pipes or chillers.
- (b) *Factors used in determination.* In determining whether objects are drug paraphernalia, a court or other authority should consider, in addition to all other logically relevant factors, the following:
- (1) Statements by an owner or by any person in control of the object concerning its use;
 - (2) Prior convictions, if any, of an owner or of any person in control of the object under any state or federal law relating to any controlled dangerous substance;
 - (3) The proximity of the object, in time and space, to a direct violation of this section or to a controlled dangerous substance;
 - (4) The existence of any residue of controlled dangerous substances on the object;
 - (5) Direct or circumstantial evidence of the intent of an owner, or of any person in control of the object, to deliver it to persons who he knows, or should reasonably know, intend to use the object to facilitate a violation of this section; the innocence of an owner, or of any person in control of the object, as to a direct violation of this section shall not prevent a finding that the object is intended for use, or designed for use, as drug paraphernalia;
 - (6) Instructions, oral or written, provided with the object concerning its use;
 - (7) Descriptive materials accompanying the object which explain or depict its use;
 - (8) National and local advertising concerning its use;

- (9) The manner in which the object is displayed for sale;
 - (10) Whether the owner, or any person in control of the object, is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
 - (11) Direct or circumstantial evidence of the ratio of sales of the object or objects to the total sales of the business enterprise;
 - (12) The existence and scope of legitimate uses for the object in the community;
 - (13) Expert testimony concerning its use.
- (c) *Use; possession.* It is unlawful for any person to use, or to possess with intent to use, drug paraphernalia or to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain or conceal a controlled dangerous substance in violation of this section. Any person who violates this subsection is guilty of an offense and shall be assessed a penalty in accordance with section 1-6 of this Code.
- (d) *Sale; delivery.* It is unlawful for any person to deliver or sell, possess with intent to deliver or sell or manufacture with intent to deliver or sell drug paraphernalia, knowing, or under circumstances where one reasonably should know, that they will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce into the human body a controlled dangerous substance in violation of this section. Any person who violates this subsection is guilty of an offense and shall be assessed a penalty in accordance with section 1-6 of this Code.

(Code 1965, § 53.48; Ord. No. 1886, § 1, 11-9-82)

Sec. 16-55. - Throwing debris on street.

It shall be unlawful for any person to throw or place or cause to be thrown or placed on any street of the city any tacks, nails, wire, scrap metal, glass, crockery, sharp stones or other substances injurious to the feet of persons or animals or to the tires or wheels of vehicles. Any person who has purposely, accidentally or by reason of an accident dropped from his person or any vehicle any such substance upon the street, shall immediately make all reasonable efforts to clear such street of the same.

(Code 1965, § 53.50; Ord. No. 1924, § 1, 8-9-83)

State Law reference— Obstructing roads and ditches, RSMo 229.150; placing injurious substances on street, RSMo 304.160; littering, RSMo 577.070.

Sec. 16-56. - Public nuisances generally.

(a) Public nuisances within the city are hereby designated as follows:

- (1) Any act done or committed or suffered to be done or committed by any person, or any substance or thing kept or maintained, placed or thrown on or upon any public or private premises which is injurious to the public health, safety or welfare.
 - (2) All pursuits followed or acts done by any person to the hurt, injury, inconvenience or danger of the public.
- (b) The above definitions shall include, but not by way of limitation, the following:
- (1) Any pool of stagnant water standing on any premises.
 - (2) Repetitive emission of noise, odors, or fumes beyond the property owned or occupied by the party creating such condition.
 - (3) The accumulation of litter or waste materials on property.

- (4) The growth of weeds or grass of any type to a height of eight (8) inches or more on any property.
 - (5) Leaking sanitary sewer laterals.
 - (6) Encroachments in any street, alley, sidewalk, parkway or other public place.
 - (7) Firewood that is not stacked five (5) inches or more off the ground at all times and/or not located behind the front of the building line of the property.
- (c) The director of public works or his designee shall hold a hearing on the existence of a nuisance, with at least four (4) days' notice given to the owner or occupant of the premises. The public works director or his designee may order at said hearing the abatement of such nuisance within five (5) business days following such hearing.
 - (d) If the nuisance is not abated within such five (5) days, the director of public works or his designee shall have the nuisance abated and shall certify the costs of same to the city clerk. The city clerk shall issue a special tax bill therefor against the property, which shall be a first lien on the property from the date of issuance until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in such tax bill, or in the proceedings leading to its issuance, shall be a defense. Any such tax bill, if not paid when due, shall bear interest at the rate of eight (8) percent per annum. A special tax bill issued hereunder shall be enforced in the manner provided by law for the enforcement of special tax bills.
 - (e) In addition to the procedures herein authorized, any person violating the terms hereof shall, upon conviction, be subject to the penalties provided for violation of city ordinances.
- (Ord. No. 3225, § 1, 6-23-92; Ord. No. 3350, § 1, 5-23-95; Ord. No. 3377, § 1, 9-12-95; Ord. No. 4079, § 1, 8-28-07)

Editor's note— Ordinance No. 3225, § 1, adopted June 23, 1992, did not specifically amend the Code; hence, codification of such section as § 16-56 was at the discretion of the editor.

Sec. 16-57. - Indoor clean air code.

- (a) *Scope.* In order to enhance the public health, safety and welfare of the residents of, visitors to, and those working in the City of Crestwood, the provisions of this section shall apply throughout the city.
- (b) *Purpose.* It is the purpose of this section to promote the health, safety and welfare by decreasing exposure to secondhand smoke; and to create smoke-free environments for residents, workers, patrons and visitors to places of employment and all other public places within the city.
- (c) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Business: A sole proprietorship, partnership, joint venture, corporation, or other business entity, either for-profit or not-for-profit, including retail establishments, where goods or services are sold; professional corporations and other entities where legal, medical, dental, engineering, architectural, or other professional services are delivered, and private clubs.

Cigar bar: A business with a permit to sell alcoholic beverages that generates twenty-five (25) percent or more of its quarterly gross revenue from the sale of cigars and/or rental of humidor space, has a humidor on the premises and does not allow minors to enter the premises.

Drinking establishment: Any business with a valid license issued by the St. Louis County Department of Revenue (pursuant to Chapter 801, Title VIII SLCRO 1974 as amended, "Alcoholic Beverages") to sell

consumption on the premises comprises no more than twenty-five (25) percent of gross sales of food and both alcoholic and non-alcoholic beverages on an annual basis.

Employee: Any person who performs services for an employer, with or without compensation.

Employer: A person, partnership, association, corporation, trust or other organized group of individuals, including the city or any agency thereof, which utilizes the services of at least one (1) employee.

Enclosed or enclosed area: A space bound by walls (with or without windows) continuous from the floor to the ceiling and enclosed by doors, including, but not limited to, offices, rooms, all space therein screened by partitions which do not extend to the ceiling or are not solid, "office landscaping" or similar structures and hallways.

Permanently designated smoking room: A hotel or motel room that may be designated as a smoking room, with such designation being changeable only one (1) time a year.

Place of employment: Any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including, but not limited to work areas, employee lounges and restrooms, conference rooms and classrooms, employee cafeterias and hallways. A private residence is not a "place of employment" unless it is used as a childcare, adult day care or health care facility.

Private club: A not-for-profit organization incorporated under the laws of the State of Missouri for fraternal or social purposes or for a congressionally chartered veterans' organization, which has a defined membership and restricts admission to members of the club and their guests. Private club shall not include an establishment that is generally open to members of the general public upon payment of a fee. A private club shall not be considered a "public place" except when it is the site of a meeting, event or activity that is open to the public.

Public place: Any enclosed or other area to which the public is invited or in which the public is permitted, including, but not limited to banks, educational facilities, reception areas, health facilities, laundering facilities, public transportation facilities, production and marketing establishments, retail service establishments, retail stores, theaters, and waiting rooms. A private residence is not a "public place" unless it is used as a childcare, adult day care, or health care facility.

Restaurant: An eating establishment including, but not limited to, coffee shops, cafeterias, sandwich stands and private and public school cafeterias, which provides food to the public, guests or employees, as well as kitchens and catering facilities in which food is prepared on the premises for serving elsewhere. The term "restaurant" shall include a bar and lounge area within the restaurant.

Service line: Any indoor or outdoor line at which one (1) or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money.

Shopping mall: An enclosed public walkway or hall area that serves to connect retail or professional establishments.

Smoking: Inhaling, exhaling, burning or carrying any lighted or heated cigar, cigarette, pipe or other tobacco product.

Sports arena: Sports pavilions, gymnasiums, health spas, boxing arenas, outdoor and indoor swimming pools, outdoor athletic fields, outdoor and indoor roller and ice skating rinks, bowling alleys and other similar places where members of the general public assemble either to engage in physical exercise, participate in athletic competition or witness sports events.

(d) *Prohibition of smoking in enclosed places of employment and other public places.*

- (1) It shall be unlawful for any person within an enclosed place of employment to possess lighted or heated smoking materials in any form, including but not limited to the possession of lighted or heated cigarettes, cigars, pipes or other tobacco products.
- (2) It shall be unlawful for any person within an enclosed public place, or within any other places hereinafter specified, to possess lighted or heated smoking materials in any form, including but not limited to the possession of lighted or heated cigarettes, cigars, pipes or other tobacco products, including but not limited to the following places:
 - a. Elevators in public buildings;
 - b. Restrooms in public buildings;
 - c. Libraries, educational facilities, childcare and adult day care facilities, museums, auditoriums, aquariums and art galleries;
 - d. Any health care facility, health clinic or ambulatory care facilities, including, but not limited to: laboratories associated with the rendition of health care treatment, hospitals, nursing homes, doctors' offices and dentists' offices;
 - e. Any indoor place of entertainment or recreation, including, but not limited to gymnasiums, theaters, concert halls, bingo halls, arenas and swimming pools;
 - f. Service lines;
 - g. Facilities primarily used for exhibiting a motion picture, stage, drama, lecture, musical recital or other similar performance;
 - h. Shopping malls or retail establishments;
 - i. Indoor and outdoor sports arenas;
 - j. Restaurants, including lounge and bar areas, except outdoor dining areas;
 - k. Convention facilities;
 - l. All indoor public areas and waiting rooms of public transportation facilities, including, but not limited to bus and mass transportation facilities;
 - m. Any other area used by the public or serving as a place of employment;
 - n. Every room, chamber, place of meeting or public assembly, including school buildings under the control of any board, commission, committee, including, but not limited to joint committees, or agencies of the city or any political subdivision of the state during such time as a public meeting is in progress, to the extent such place is subject to the jurisdiction of the city;
 - o. All enclosed areas owned by the city;
 - p. Rooms in which meetings or hearings open to the public are held, except where such rooms are in a private residence;
 - q. Sidewalks, driveways and other open areas within fifteen (15) feet of the entry to any building owned or occupied by any governmental entity, or within fifteen (15) feet of the entry to any building open to the public: provided, however, that this entryway prohibition shall not apply

within outside dining areas where smoking is permitted or to entries that are located less than fifty (50) feet from another public entry.

- (3) It shall be unlawful to dispose of smoking waste, or to place or maintain a receptacle for smoking waste, in an area in which smoking is prohibited under this section.
- (e) *Responsibilities of proprietors, owners and managers.*
 - (1) It shall be unlawful for any person having control of a place listed in this section knowingly to permit, cause, suffer or allow any person to violate the provisions of this section. It shall be an affirmative defense to an alleged violation of this subsection that the person having control of a place has asked that the lighted or heated cigarette, cigar, pipe or other tobacco product be extinguished and asked the person to leave the establishment if that person has failed or refused to extinguish the lighted or heated cigarette, cigar, pipe or other tobacco product.
 - (2) A person having control of a place listed in this section shall clearly and conspicuously post "No Smoking" signs or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) near all entrances where smoking is prohibited pursuant to this section. Such signage shall consist of letters not less than one (1) inch in height.
 - (3) It shall be the responsibility of employers to provide smoke-free workplaces for all employees.
 - (4) All employers shall supply a written copy of the smoking policy upon request to any existing or prospective employee.
- (f) *Declaration of establishment as nonsmoking.* Notwithstanding any other provision of this section, an owner, operator, manager, or other person in control of an establishment, facility, or outdoor area may declare that entire establishment, facility, or outdoor area as a nonsmoking place. No person shall smoke in places so declared and posted with signs pursuant to subsection (e).
- (g) *Exceptions.* Notwithstanding any other provision of this section to the contrary, the following shall not be subject to the smoking restrictions of this section:
 - (1) Private residences, not serving as enclosed places of employment or enclosed public places;
 - (2) Private clubs;
 - (3) Performers on stage in a theatrical production, where smoking is required as part of the production;
 - (4) Private and semi-private rooms in nursing homes and long-term care facilities, the residents of which are all smokers and have all requested the management of the facility to be placed in a room where smoking is permitted;
 - (5) Retail establishments in which food is not prepared on the premises and where more than sixty (60) percent of the volume of trade or business carried on is the sale of tobacco and tobacco-related products;
 - (6) Permanently designated smoking rooms, not to exceed twenty-five (25) percent of the guest rooms;
 - (7) Cigar bars, provided such entity is in operation on or before the effective date of this section and provided that smoke does not infiltrate into areas where smoking is otherwise prohibited;
 - (8) Drinking establishments which are in operation on or before the effective date of this section; provided, however, that no smoke infiltrates into areas where smoking is otherwise prohibited, and further provided that each such drinking establishment has posted in a place visible to the

public from its exterior a certificate of exemption issued by the Department of Revenue pursuant to subsection (j).

- (h) *Section not to preclude more extensive prohibitions.* Nothing in this section shall be construed or applied in such a manner as to interfere with or prohibit a property owner, business operator or public entity, including the city, from more broadly prohibiting smoking on or about their property or from prohibiting smoking in areas, at times, or under conditions which do not fall within the prohibitions established by this section.
- (i) *Notice to license applicants.* Notice of the provisions of this section shall be given to all applicants for licenses issued by the city pertaining to use of property for business or commercial purposes to which the public will be invited or permitted.
- (j) *Department of revenue to issue certificates of exemption to qualified drinking establishments.*
 - (1) The owner or operator of a drinking establishment which seeks a smoking exemption certificate shall submit his or her signed and notarized statement, on a form provided by the director of revenue, certifying:
 - a. The amount of the drinking establishment's previous annual gross revenue and that food sales from the licensed premises comprised no more than twenty-five (25) percent of gross sales of both food and beverages during that year and is not reasonably expected to comprise more than twenty-five (25) percent of gross sales of both food and beverages going forward; or
 - b. That the drinking establishment has been operating for less than one (1) year and that the owner or operator reasonably believes that the annual gross revenue derived from the sale of food consumed on the premises will constitute a maximum of twenty-five (25) percent of gross revenue of the establishment going forward.
 - (2) Any drinking establishment granted an exemption under subsection (b) above, shall submit to the director of revenue, no more than one hundred (100) days after issuance of a certificate of exemption, a signed and notarized statement by the owner or operator identifying the actual gross revenue and liquor sales for the previous ninety (90) days of operation. The director of revenue shall suspend or revoke any certificate of exemption issued under subsection (b) if this certification is not timely provided or if the certificate fails to demonstrate that the drinking establishment derived a maximum of twenty-five (25) percent of its gross revenue from the sale of food during that period.
 - (3) There shall be a fee of thirty-five dollars (\$35.00) for each application for a smoking exemption certificate, which fee shall be paid at the time of the application.
 - (4) The director of revenue may suspend or revoke any certificate of exemption issued hereunder if the drinking establishment is determined not to qualify for same, in accordance with the procedures set forth in Section 801.120 SLCRO 1974, as amended.
- (k) *Penalties.*
 - (1) Every person who shall be convicted of a violation of subsection (d) or (f) shall be fined not more than fifty dollars (\$50.00) for each offense.
 - (2) A person who owns, manages, operates, or otherwise controls a public place or place of employment and who shall be convicted of a violation of subsection (e) shall be fined as follows:
 - a. A fine not exceeding one hundred dollars (\$100.00) for a first violation.
 - b. A fine not exceeding two hundred dollars (\$200.00) for a second violation within one (1) year.

c. A fine not exceeding five hundred dollars (\$500.00) for each additional violation within one (1) year.

(3) Each day on which a violation of this section occurs shall be considered a separate and distinct violation.

(l) *Severability.* Each and every part and subsection of this section shall be separate and severable from each and every other part and subsection hereof. In the event that any part of this section shall be determined to be unlawful or unconstitutional, the remaining parts and subsections shall be and remain in full force and effect.

(Ord. No. 4379, § 1, 11-13-12)

Editor's note— Ord. No. 4379, § 1, adopted Nov. 13, 2012, repealed former § 16-57, and enacted a new § 16-57 as set out herein. The former § 16-57 pertained to smoking in city buildings prohibited and derived from Ord. No. 3228, § 1, adopted Aug. 25, 1992.

Sec. 16-58. - Reserved.

Editor's note— Ord. No. 4379, § 1, adopted Nov. 13, 2012, repealed § 16-58, which pertained to access to smoke-free air and derived from Ord. No. 3246, § 1, adopted Jan. 26, 1993.

Sec. 16-59. - Tobacco products to minors.

(a) *Definitions.* As used in this section, the following terms mean:

Distribute: A conveyance to members of the general public by sale, barter, gift or sample;

Minor: A person under the age of eighteen (18);

Person: An individual, partnership, co-partnership, firm, company, trust, estate, political subdivision, or any agency, board, department or bureau of the state or federal government, or any other legal entity which is recognized by law as the subject of rights and duties;

Proof of age: A driver's license or other generally accepted means of identification that contains a picture of the individual and appears on its face to be valid;

Rolling papers: Paper designed, manufactured, marketed, or sold for use primarily as a wrapping or enclosure for tobacco, which enables a person to roll loose tobacco into a smokable cigarette;

Sample: A tobacco product distributed to members of the general public at no cost or at nominal cost for product promotional purposes;

Sampling: The distribution to members of the general public of tobacco product samples;

Tobacco products: Any substance containing tobacco leaf, including but not limited to, cigarettes, cigars, pipe tobacco, snuff, chewing tobacco, or dipping tobacco;

Vending machine: Any mechanical electric or electronic, self-service device which, upon insertion of money, tokens or any other form of payment, dispenses tobacco products or rolling papers.

(b) *Prohibitions.*

(1) No person shall sell or distribute any tobacco product or rolling papers to any minor. This subsection shall not apply to the distribution by family members on property that is not open to the public.

- (2) The owner of an establishment at which tobacco products or rolling papers are sold at retail or through vending machines shall cause to be prominently displayed in a conspicuous place at every display from which tobacco products are sold and on every vending machine from which tobacco products are purchased a sign that shall:
 - (i) Contain in red lettering at least one-half-inch high on a white background the following: "It is a violation of state law for cigarettes or other tobacco products to be sold to any person under the age of eighteen" and
 - (ii) Include a depiction of a pack of cigarettes at least two (2) inches high defaced by a red diagonal diameter of a surrounding red circle, and the words, "Under 18."
 - (3) A person selling or otherwise distributing tobacco products, rolling papers, or tobacco product samples shall require proof of age from a prospective purchaser or recipient if a reasonably prudent person would conclude on the basis of appearance that such prospective purchaser or recipient may be under the age of eighteen (18).
 - (4) If a sale is made by an employee of the owner of an establishment in violation of this section, the employee shall be guilty of an offense as established herein. If a vending machine is in violation of this section, the owner of the establishment where said machine is located shall be guilty of an offense as established herein. If a sample is distributed by the employee of a company conducting a sampling, such employee shall be guilty of an offense as established herein.
 - (5) Reasonable reliance on proof of age or on the appearance of the purchaser or recipient shall be a defense to any action for violation of this section. No person shall be liable for more than one (1) violation of this section on any single day.
 - (6) It shall be unlawful for any minor to purchase, cause to be purchased, or in any manner obtain tobacco products or rolling papers, whether in exchange for monetary consideration or otherwise. This subsection shall not apply to the distribution of same by family members on property that is not open to the public.
- (c) *Penalty.* Any person found guilty of violating this section shall be punished as provided in chapter 1, section 1-6 of this Code.
- (Ord. No. 4150, § 1, 11-25-08)

Editor's note— Ord. No. 4150, § 1, adopted Nov. 25, 2008, set out provisions intended for use as § 16-69. For purposes of classification and clarity, and at the editor's discretion, these provisions have been included as § 16-59.

Sec. 16-60. - Funeral protests prohibited.

- (a) Every citizen may freely speak, write and publish the person's sentiments on all subjects, being responsible for the abuse of the right, but no person shall picket or engage in other protest activities, nor shall any association or corporation cause picketing or other protest activities to occur within three hundred (300) feet of any residence, cemetery, funeral home, church, synagogue, or other establishment during or within one (1) hour before or one (1) hour after the conducting of any actual funeral or burial service at that place.
- (b) As used in this section, "*other protest activities*" means any action that is disruptive or undertaken to disrupt or disturb a funeral or burial service.
- (c) As used in this section, "*funeral*" and "*burial service*" mean the ceremonies and memorial services held in conjunction with the burial or cremation of the dead, but this section does not apply to processions while they are in transit beyond any three hundred-foot zone that is established under subsection (a)

above.

(Ord. No. 4440, § 1, 11-26-13)

Secs. 16-61—16-99. - Reserved.

ARTICLE II. - DOMESTIC AND FAMILY VIOLENCE ACT

Sec. 16-100. - Construction.

This Act is to be construed to promote:

- (1) The protection and safety of all victims of domestic or family violence in a fair, prompt, and effective manner; and
- (2) The prevention of future violence in all families.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-101. - Definitions, general.

Unless the context otherwise requires, as used in this Act the following terms shall mean:

- (a) *Abuse*, when used in regard to acts of domestic violence between adults, includes but is not limited to the occurrence of any of the following acts, attempts, or threats against a person who may be protected under a valid protective order issued by the State of Missouri or any other state within the United States:
 - (1) *Assault*. Purposely or knowingly placing or attempting to place another in fear of physical harm.
 - (2) *Battery*. Purposely or knowingly causing physical harm to another with or without a deadly weapon.
 - (3) *Coercion*. Compelling another by force or threat of force to engage in conduct from which the latter has a right to abstain or to abstain from conduct in which the person has a right to engage.
 - (4) *Harassment*. Engaging in a purposeful or knowingly course of conduct involving more than one (1) incident that alarms or causes distress to another person and serves no legitimate purpose. The course of conduct must be such as would cause a reasonable person to suffer substantial emotional distress and must actually cause substantial emotional distress to the person. Such conduct might include, but is not limited to:
 - (i) Following another about in a public place or places;
 - (ii) Peering in the window or lingering outside the residence of another; but does not include constitutionally protected activity.
 - (5) *Sexual assault*. Causing or attempting to cause another to engage involuntarily in any sexual act by force, threat of force, or duress.
 - (6) *Unlawful imprisonment*. Holding, confining, detaining or abducting another person against that person's will.
- (b) *Abuse*. When used in regard to acts of domestic violence against a child, means any physical injury, sexual abuse, or emotional abuse inflicted on a child other than by accidental means by an adult household member, or stalking of a child. Discipline including spanking, administered in a reasonable manner shall not be construed to be abuse.
- (c) *Adult*. Any person eighteen (18) years of age or older or otherwise emancipated.
- (d)

Adult household member. Any person eighteen (18) years of age or older, or an emancipated child, who resides with a child in the same dwelling unit.

- (e) *Child.* Any person under eighteen (18) years of age.
- (f) *Court.* The circuit or associate circuit judge or a family court commissioner.
- (g) *Domestic or family violence* occurs when a family or household member commits one (1) or more of the following against another family or household member: assault; stealing; injury to property; peace disturbance; trespass; domestic stalking, as defined in this Act; domestic harassment, as defined in this Act; domestic tampering, as defined in this Act, or violation of an order of protection; provided, however, that acts of self-defense are not included.
- (h) *Ex parte order of protection.* An order of protection issued by a court before the respondent has received notice of the petition or an opportunity to be heard on it.
- (i) *Family or household members* include:
 - (1) Persons who are current or former spouses;
 - (2) Persons who live together or who have lived together;
 - (3) Persons who are dating or who have dated;
 - (4) Persons who are or have been in a continuing social relationship of a romantic nature or who are engaged in or who have engaged in a sexual relationship;
 - (5) Persons who are related by blood or adoption;
 - (6) Persons who are related or formerly related by marriage;
 - (7) Persons who have a child in common.
- (j) *Full order of protection.* An order of protection issued after a hearing on the record where the respondent has received notice of the proceedings and has had an opportunity to be heard.
- (k) *Order of protection.* Either an ex parte order of protection or a full order of protection.
- (l) *Petitioner.* A family or household member or a person who has been the victim of domestic violence who has filed a verified petition under the provisions of RSMo Ch. 455.
- (m) *Respondent.* The family or household member or person alleged to have committed an act of domestic violence, against whom a verified petition has been filed under the provisions of RSMo Ch. 455.
- (n) *Stalking.* When an adult purposely and repeatedly engages in an unwanted course of conduct with regard to a child that causes another adult to believe that a child would suffer alarm by the conduct, or when an adult purposely and repeatedly engages in an unwanted course of conduct that causes alarm to another person when it is reasonable in that person's situation to have been alarmed by the conduct. As used in this section:
 - (1) *Course of conduct* means a pattern of conduct composed of repeated acts over a period of time, however short, that serves no legitimate purpose. Such conduct may include, but is not limited to, following the other person or unwanted communication or unwanted contact;
 - (2) *Repeated* means two (2) or more incidents evidencing a continuity of purpose; and
 - (3) *Alarm* means to cause fear of danger of physical harm.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-102. - Prohibited conduct with regard to ex parte or full orders of protection.

- (a) Violation of the terms and conditions of an ex parte order of protection of which the respondent has notice, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, is hereby prohibited.
- (b) Violation of the terms and conditions of a full order of protection, with regard to abuse, stalking, child custody, communication initiated by the respondent or entrance upon the premises of the petitioner's dwelling unit, is hereby prohibited.
- (c) Violation of the terms and conditions of an ex parte order of protection of which the respondent has notice for a child with regard to abuse, child custody, or entrance upon the premises of the victim's dwelling unit, is hereby prohibited.
- (d) Violation of the terms and conditions of a full order of protection for a child regarding abuse, child custody or entrance upon the premises of the petitioner's dwelling unit, is hereby prohibited.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-103. - Reports of domestic or family violence or violation of orders of protection and arrest therefor.

- (a) When a law enforcement officer has probable cause to believe a party has committed a violation of law amounting to an offense involving domestic violence against a family or household member, the officer may arrest the offending party whether or not the violation occurred in the presence of the arresting officer.
- (b) When an officer declines to make an arrest pursuant to this section, the officer shall make a written report of the incident completely describing the offending party, giving the victim's name, time, address, reason why no arrest was made and any other pertinent information.
- (c) Any law enforcement officer subsequently called to the same address within a twelve-hour period, who shall find probable cause to believe the same offender has again committed a violation of law amounting to an offense involving domestic violence against a family or household member against the same or any other family or household member, shall arrest the offending party for this subsequent offense. The primary report of nonarrest in the preceding twelve-hour period may be considered as evidence of the defendant's intent in the violation for which arrest occurred. The refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this section.
- (d) When a law enforcement officer has probable cause to believe that a party, against whom an order of protection has been entered and who has notice of such order being entered, has committed an act of abuse in violation of such order, the officer shall arrest the offending party-respondent whether or not the violation occurred in the presence of the arresting officer. Refusal of the victim to sign an official complaint against the violator shall not prevent an arrest under this section.
- (e) When an officer makes an arrest he is not required to arrest two (2) parties involved in an assault when both parties claim to have been assaulted. The arresting officer shall attempt to identify and shall arrest the party he or she believes is the primary physical aggressor. The term "primary physical aggressor" is defined as the most significant, rather than the first, aggressor. The law enforcement officer shall consider any or all of the following in determining the primary physical aggressor:
 - (1) The intent of the law to protect victims of domestic violence from continuing abuse;
 - (2) The comparative extent of injuries inflicted or serious threats creating fear of physical injury or harm;
 - (3) The history of domestic violence between the persons involved.

- (f) No law enforcement officer investigating an incident of domestic violence shall threaten the arrest of all parties for the purpose of discouraging requests of law enforcement intervention by any party. Where complaints are received from two (2) or more opposing parties, the officer shall evaluate each complaint separately to determine whether he or she should apply for issuance of charges. No law enforcement officer shall base the decision to arrest or not to arrest on the specific request or consent of the victim or the officer's perception of the willingness of a victim or of a witness to the domestic or family violence to testify or otherwise participate in a judicial proceeding.
- (g) In an arrest in which a law enforcement officer acted in good faith reliance on this section, the arresting and assisting law enforcement officers and the city shall be immune from liability in any civil action alleging false arrest, false imprisonment or malicious prosecution.
- (h) When a person against whom an order of protection has been entered fails to surrender custody of a minor children to the person to whom custody was awarded in an order of protection, the law enforcement officer shall arrest the respondent, and shall turn the minor children over to the care and custody of the party to whom such care and custody was awarded.
- (i) The same procedures, including those designed to protect constitutional rights, shall be applied to the respondent as those applied to any individual detained in police custody.
- (j) Good faith attempts to effect a reconciliation of a marriage shall not be deemed tampering with a witness or victim tampering as defined in section 16-65 of the Code.
- (k) Nothing in this section shall be interpreted as creating a private cause of action for damages to enforce the provisions set forth herein.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-104. - Domestic harassment.

No person shall, for the purpose of frightening or disturbing another family or household member:

- (1) Communicate in writing or by telephone a threat to commit any felony or act of violence; or
- (2) Make a telephone call or communicate in writing and use coarse language offensive to one of average sensibility; or
- (3) Make a telephone call anonymously; or
- (4) Make repeated telephone calls to the same person or telephone number.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-105. - Domestic stalking.

- (a) As used in this section, the following terms shall mean:

Course of conduct: A pattern of conduct composed of a series of acts, which may include electronic or other communications, over a period of time, however short, evidencing a continuity of purpose. Constitutionally protected activity is not included within the meaning of "course of conduct." Such constitutionally protected activity includes picketing or other organized protests.

Credible threat: A threat made with the intent to cause the person who is the target of the threat to reasonably fear for his or her safety. The threat must be against the life of, or a threat to cause physical injury to a person, and may include a threat communicated to the targeted person in writing, including electronic communications, by telephone, or by posting of a site or message that is accessible via computer.

Harasses: To engage in a course of conduct directed at a specific person that serves no legitimate purpose, that would cause a reasonable person to suffer substantial emotional distress, and that actually causes substantial emotional distress to that person.

- (b) Any person who purposely and repeatedly harasses or follows with the intent of harassing another family or household member, commits the violation of stalking, which is hereby prohibited.
- (c) Any person who purposely and repeatedly harasses, or follows with the intent of harassing, another family or household member or harasses another family or household member, and makes a credible threat with the intent to place that person in reasonable fear of death or serious physical injury, commits the violation of aggravated stalking, which is hereby prohibited.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-106. - Domestic tampering, witness or victim.

- (a) A person commits the offense of domestic witness tampering if, with a purpose to induce a witness who is a family or household member or a prospective witness who is a family or household member in an official proceeding to disobey a subpoena or other legal process, or to absent himself or avoid subpoena or other legal process, or to withhold evidence, information or documents, or to testify falsely, he:
 - (1) Threatens or causes harm to any person or property; or
 - (2) Uses force, threats or deception; or
 - (3) Offers, confers or agrees to confer any benefit, direct or indirect, upon such witness; or
 - (4) Conveys any of the foregoing to another in furtherance of a conspiracy.
- (b) A person commits the violation of domestic victim tampering if, with a purpose to do so, he prevents or dissuades or attempts to prevent or dissuade any person who is a family or household member who has been a victim of any ordinance violation or a person who is acting on behalf of any such victim from:
 - (1) Making any report of such victimization to any peace officer, or state, local or federal law enforcement officer or prosecuting agency or to any judge;
 - (2) Causing a complaint, indictment or information to be sought and prosecuted or assisting in the prosecution thereof;
 - (3) Arresting or causing or seeking the arrest of any person in connection with such victimization.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-107. - Law enforcement officer may seize weapons.

Incident to an arrest for a crime involving domestic or family violence, a law enforcement officer:

- (1) May seize all weapons that are alleged to have been involved or threatened to be used in the commission of a crime.
- (2) May seize a weapon that is in plain view of the officer or was discovered pursuant to a consensual search, as necessary for the protection of the officer or other persons.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-108. - Advocate-victim privilege applicable in cases involving domestic or family violence.

- (a) Except as otherwise provided in subsection (b), below, a victim of domestic or family violence may refuse to disclose, and may prevent an advocate from disclosing, confidential oral communications between the victim and the advocate and written records and reports concerning the victim if the privilege is claimed by:
 - (1) The victim; or
 - (2) The person who was the advocate at the time of the confidential communication, except that the advocate may not claim the privilege if there is no victim in existence or if the privilege has been waived by the victim.
- (b) The privilege does not relieve a person from any duty imposed pursuant to state laws regarding reporting child abuse or neglect. A person may not claim the privilege when providing evidence in proceedings concerning child abuse or neglect pursuant to state law.
- (c) As used in this section, *advocate* means an employee of or volunteer for a program for victims of domestic or family violence who:
 - (1) Has a primary function of rendering advice, counseling, or assistance to victims of domestic or family violence; supervising the employees or volunteers of the program; or administering the program;
 - (2) Works under the direction of a supervisor of the program, supervises employees or volunteers, or administers the program.

(Ord. No. 4146, § 1, 11-25-08)

Sec. 16-109. - Conditions of probation for perpetrator convicted of crime involving domestic or family violence; required reports by probation department.

- (a) Before placing a perpetrator who is convicted of an offense involving domestic or family violence on probation, the court shall consider the safety and protection of the victim of domestic or family violence and any member of the victim's family or household.
- (b) The court may condition the suspension of sentence or granting of probation to a perpetrator on compliance with one (1) or more orders of the court, including but not limited to:
 - (1) Enjoining the perpetrator from threatening to commit or committing acts of domestic or family violence against the victim or other family or household member.
 - (2) Prohibiting the perpetrator from harassing, annoying, telephoning, contacting, or otherwise communicating with the victim, directly or indirectly.
 - (3) Requiring the perpetrator to stay away from the residence, school, place of employment, or a specified place frequented regularly by the victim and any designated family or household member.
 - (4) Prohibiting the perpetrator from possessing or consuming alcohol or controlled substances.
 - (5) Prohibiting the perpetrator from using or possessing a firearm or other specified weapon.
 - (6) Directing the perpetrator to surrender any weapons owned or possessed by the perpetrator.
 - (7) Directing the perpetrator to participate in and complete, to the satisfaction of the court, a program of intervention for perpetrators, treatment for alcohol or substance abuse, or psychiatric or psychological treatment; and/or an evaluation for such intervention or treatment.
 - (8) Directing the perpetrator to pay restitution to the victim.
 - (9) Imposing any other condition necessary to protect the victim of domestic or family violence and any other designated family or household member or to rehabilitate the perpetrator.

- (c) The perpetrator shall be responsible for the costs related to fulfilling any condition of probation, and such costs may be taxed as additional court costs.
- (d) The court may establish policies and procedures for responding to reports of nonattendance or noncompliance by a perpetrator with the conditions of probation imposed pursuant to subsection (b), including requiring compliance reviews and any violations may serve as a basis for revoking probation.

(Ord. No. 4146, § 1, 11-25-08)

Chapter 17 - PARKS AND RECREATION^[1]

Footnotes:

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Cross reference— *Animal control code, Ch. 6; fire prevention and protection, Ch. 9; food and food establishments, Ch. 11; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; solid waste, Ch. 23; streets and sidewalks, Ch. 24; sale of liquor near playground, § 5-19; swimming pools, § 7-16 et seq.; constructing or repairing boats, § 16-51; landmarks and urban design commission, § 19-16 et seq.; parks in subdivisions, § 26-97.*

State Law reference— *Recreational systems, RSMo 67.750 et seq.; parks and recreation, RSMo Ch. 90; purchase and sale of parks, RSMo 79.390.*

Sec. 17-1. - Park board—Generally.

- (a) *Created.* There is hereby created in the city a park board to include one (1) aldermanic representative, to be appointed by the mayor from the members of the board of aldermen; in addition five (5) citizens, one (1) from each ward and one (1) citizen at large, each of whom shall be appointed by the mayor with majority approval of the board of aldermen. The citizen designated as the member at large, shall act as chairperson of the park board. The term of office for citizen members shall be for a period of two (2) years unless removed sooner by the mayor, with the approval of a majority of the board of aldermen, or until a replacement is appointed.
- (b) *Meetings.* The park board shall hold regular meetings at a minimum on a quarterly basis at a time scheduled by the park board. Additional meetings may be scheduled at any time by the chairman or three (3) members of the park board, provided that there is one (1) week's notice provided to the public and all members of the park board including the aldermanic representative and the director of parks and recreation. Three (3) members present at a meeting in addition to the aldermanic representative shall constitute a quorum.
- (c) *Chairman.* The chairman shall be the presiding officer of all meetings of the park board and shall have a voice and vote the same as all other park board members. In the absence of the chairman, the park board members present shall select a chairman for that meeting.
- (d) *Attendance.* Park board members absent from three (3) consecutive meetings, whether regular or special, shall be subject to replacement by the mayor and board of aldermen by a majority vote.
- (e) *Aldermanic representative.* The aldermanic representative shall be present at all scheduled meetings of the park board and shall act as liaison between the board of aldermen and the park board. Participation in all discussions is encouraged but he shall not have a vote. The mayor may act as a substitute or designate a substitute from the board of aldermen or city administration if the aldermanic representative is unable to attend a meeting.

(f)

Vacancies. Vacancies in the park board shall be reported to the mayor and shall be filled in like manner as the original appointments with each replacement appointed from the same ward as the citizen being replaced and to serve the unexpired term.

- (g) *Director of parks and recreation.* The director of parks and recreation shall be an ex officio member of the park board acting in an advisory and consulting relationship and shall be entitled and required to attend all park board meetings. The director of parks and recreation shall have custody of all the books, records and papers of the park board. If the director is unable to attend a board meeting, a representative shall be designated to attend by the city administrator.
- (h) *Secretary.* The park board shall be provided with a secretary by the city administration, who is not a voting member of the board. It shall be the duty of the secretary to take minutes of the proceedings of the board. A set off minutes of the park board meetings shall be provided to the mayor and board of aldermen on a regular basis.

(Code 1965, § 10.01; Ord. No. 1640, § 1, 12-14-76; Ord. No. 3988, § 1, 7-26-05)

Cross reference— Administration, Ch. 2.

State Law reference— Governmental bodies and records, RSMo Ch. 610.

Sec. 17-2. - Same—Operation.

- (a) *Function.* The park board shall provide advice and recommendations to the mayor and board of aldermen on policy matters relating to the city parks and recreation programs. Policy matters shall be defined to include budgeting, capital improvements, planning, recreation programs, public relations activities, rent or lease arrangements, park and recreation regulations and other matters that may be assigned by the mayor and board of aldermen.
- (b) *Expenses.* The board of aldermen may from time to time appropriate and set aside, for the use of the park board, such amounts as the board of aldermen deems proper and necessary for the expenses of the park board.

(Code 1965, § 10.02; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-3. - Reserved.

Editor's note— Ord. No. 3376, § 1, adopted Sept. 12, 1995, repealed § 17-3 in its entirety. Formerly, § 17-3 pertained to injuring trees and derived from § 10.03 of the 1965 Code.

Sec. 17-4. - Hunting.

No person shall pursue, trap or kill any wildlife in any manner or in any quantity at any time or place within any city park. Firearms or guns of any kind are strictly prohibited.

(Code 1965, § 10.04)

Sec. 17-5. - Intoxicating beverages.

The use of intoxicating beverages within any park is strictly prohibited except where specifically authorized by the board of aldermen.

(Code 1965, § 10.06; Ord. No. 1640, § 2, 12-14-76)

Cross reference— Alcoholic beverages, Ch. 5.

Sec. 17-6. - Swimming.

Swimming, diving or wading in any lake, pond or stream within any park is prohibited except by special permit of the director of parks and recreation.

(Code 1965, § 10.07; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-7. - Fees.

No fees are required for the use of any park facility other than those authorized by the board of aldermen and posted at a prominent place at the affected facility.

(Code 1965, § 10.08; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-8. - Vehicles on drives.

It shall be unlawful for any person to drive any motor-driven vehicle in the parks of the city except on surfaced and paved roadways provided for that purpose, excluding those vehicles on city business.

(Code 1965, § 10.101; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-9. - Speed limit.

Every person operating a motor vehicle within a park shall operate or drive the same in a careful and prudent manner, and in the exercise of the highest degree of care at a rate of speed not in excess of fifteen (15) miles per hour.

(Code 1965, § 10.05)

Sec. 17-10. - Parking.

- (a) The parking of vehicles on grassy areas of any park is not permitted. No person shall park a vehicle in any area or on any portion of the roadway located within a park where signs have been posted designating such area or portion of said roadway as a no parking zone. Vehicles must park only in areas designated for such use.
- (b) Solely for purposes of enforcement of parking regulations within the boundaries of a park within this city, any park ranger employed by the city is hereby empowered to issue citations for violations of this section, such citations to be provided by the city and in such form as is approved by the police department and the city attorney.
- (c) In addition to the authority granted in 17-10(b) to issue citations for vehicles parked in violation of this section, any vehicle parked within the boundaries of a City of Crestwood Park in violation of any section of this Chapter 17, is subject to towing by a police officer, at the owner's expense.

(Code 1965, § 10.09; Ord. No. 1640, § 2, 12-14-76; Ord. No. 3020, § 1, 7-28-87; Ord. No. 3710 § 1, 2-12-02)

Cross reference— Parking, § 14-151 et seq.

Sec. 17-11. - Vehicles at night.

It shall be unlawful for any person to leave, park or stop a motor vehicle within any Crestwood park after the designated closing time unless specifically authorized by the city.

(Code 1965, § 10.10; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-12. - Trucks.

Trucks, other than city owned, over twelve thousand (12,000) pounds gross weight are prohibited from entering any park unless specific authorization is obtained from the director of parks and recreation. Trucks having secured such authorization may only park in designated areas.

(Code 1965, § 10. 11; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-13. - Fires.

Fires may be built in city parks only in designated areas and according to regulations that may be established by the city. All fires within city parks may be temporarily prohibited upon order of the director of parks and recreation when in his judgement the fire hazard is extremely high.

(Code 1965, § 10. 12; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-14. - Camping.

Overnight camping is permitted in those parks and in those designated areas approved by the director of parks and recreation. Permits must be secured in advance in order to camp overnight in any of the city parks.

(Code 1965, § 10. 13; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-15. - Domestic animals.

Dogs, cats and other domestic animals are prohibited from running at large within any park. Pets are permitted only when fastened to or led by a leash not exceeding six (6) feet in length. Equestrians are prohibited from entering or using any park area unless a bridle path established by the director of parks and recreation is used or unless special permission for said use is obtained in advance from the director of parks and recreation.

(Code 1965, § 10. 14; Ord. No. 1640, § 2, 12-14-76)

Cross reference— Animals and fowl, Ch. 6.

Sec. 17-16. - Rubbish; debris.

Persons using any park facilities shall deposit their rubbish and debris in the containers provided for that purpose. All areas shall be left in a clean and orderly condition.

(Code 1965, § 10.15)

Sec. 17-17. - Solicitations.

Solicitations of any business or service in a park are prohibited. The maintaining of a concession or the use of any park facility for commercial purposes is prohibited except upon written consent of the director of parks and recreation.

(Code 1965, § 10.16; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-18. - Permits generally.

A permit for the use of a specific park area may be obtained by applying in advance to the director of parks and recreation. Reservations for areas upon which a permit is granted will be so marked and held until the time designated on the permit. Areas may be re-assigned by the director of parks and recreation if the permittee has not complied with the time of arrival on the permit. The use and issuance of permits for park use shall be subject to rules and regulations that may be established by the city.

(Code 1965, § 10.17; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-19. - Rules and regulations.

The director of parks and recreation may adopt, upon approval of the board of aldermen, such rules and regulations as may be necessary to implement, operate or maintain any park and/or recreation program involving the public. Such rules and regulations shall not be in force until posted in a prominent public place. The director of parks and recreation may establish, without approval of the board of aldermen, emergency park rules and regulations for a period of time not to exceed thirty (30) days if he judges there is an immediate concern for the health, safety and welfare of the public in the parks. Violations of any established rules and regulations according to this chapter shall be subject to penalties provided for violations of this Code.

(Code 1965, § 10.18; Ord. No. 1640, § 2, 12-14-76)

Sec. 17-20. - Opening and closing parks.

All parks in the city shall open at 6:00 a.m. and close at 9:00 p.m. during the months of September, October, November, December, January, February, March and April, and close at 10:00 p.m. during the remaining four (4) months of the year, with the exception of Whitecliff Park, which shall open at 5:30 a.m. and close at 11:00 p.m. This includes Crestwood, Rayburn, Sanders, Spellman, Ferndale, and the Sappington House complex, and these parks shall close at the specified time during the year unless there is a special event permit issued for extended park usage, said permit having been issued by the director of parks and recreation. These extended park use permits will only be used for city sponsored or approved events. All persons in Whitecliff Park before 5:30 a.m. and after 11:00 p.m., and in Crestwood, Rayburn, Sanders, Spellman and Ferndale parks and the Sappington House complex before 6:00 a.m. and after 9:00 p.m. during the months of September, October, November, December, January, February, March and April, and 10:00 p.m. during the remaining four (4) months of the year, are in violation of the provisions of this Code.

(Code 1965, § 10.30; Ord. No. 1845, § 1, 10-27-81; Ord. No. 4565, § 1, 6-9-15)

Sec. 17-21. - Sappington House.

(a) *Operation; maintenance.*

- (1) Sappington House and the land on which it is located, bounded on the north by the Missouri-Pacific Railroad right-of-way, on the west by the James Reid Industrial Tract and on the east and south by Sappington Road, with all improvements thereon, are owned by the city and shall be maintained, until otherwise provided by ordinance, in the manner set forth in this section.
- (2) The city shall provide funds in its annual budget for the care, upkeep and improvement of the aforesaid buildings and grounds, including the cost of cutting grass, major watering and building and ground maintenance, cleaning of restrooms, painting, providing utility services to the resident manager's house, providing a refrigerator, gas range, washer and dryer in the resident manager's house and doing all necessary remodeling and construction work.
- (3) The restaurant on the first floor of the Sappington Barn may be rented out by the city for restaurant purposes and the rentals derived therefrom shall be retained by the city.
- (4) The admission fees for visitors to the Sappington House shall be fixed by the city and shall belong to the city.

(b) *Manager.*

- (1) The office of manager of the Sappington house is hereby created. The manager shall be appointed by the city administrator with the approval of the Sappington House Foundation.
 - (2) The manager shall keep the Sappington House interior clean and neat, but heavy cleaning and scrubbing shall be the responsibility of the foundation or other personnel employed by or contracted with the city. The manager shall be responsible for opening and closing the Sappington House for visitors, act as a guide for visitors when necessary, inspect and keep the Sappington House and Library presentable at all times and perform such other duties as assigned by the city's park and recreation director.
 - (3) The manager shall be compensated as provided in the annual budget.
- (c) *Foundation.*
- (1) The Sappington House Foundation, originally organized under the provisions of Ordinance No. 1145, shall continue to function and is hereby established as an agency of the city for the purposes hereinafter set forth. Its present membership and officers shall continue under its existing bylaws, rules and regulations. The membership shall elect a president, vice-president, secretary and treasurer, and the present officers shall continue to function until the expiration of their terms.
 - (2) The foundation shall be self-perpetuating and shall accept members. Effective October 1994, annual membership fees shall be paid to the foundation as follows:
 - Basic membership\$10.00
 - Sponsoring membership25.00
 - Patron membership50.00Membership fees may be retained by the foundation to promote and support its purposes.
 - (3) The foundation shall support the continuing development of the Sappington House, Library and Barn Center; raise money needed for the maintenance and furnishing of the House, Library and Barn Center; promote fundraising activities for such purposes; create and maintain interest in the Sappington House, Library and Barn Center and perform such other duties as may be provided by ordinances of the city.
 - (4) The foundation shall be a nonprofit organization and all funds of the foundation shall be used exclusively to carry out the purposes of the organization.
 - (5) The foundation shall file an annual report with the city on November 1 of each year, setting out the names and addresses of its officers, its total membership, the total amount of money raised and received and expended, its activities during the year and the plans and objectives of the foundation for the ensuing year.
 - (6) An annual meeting shall be held in September of each year.
 - (7) The foundation shall maintain the flower garden, resident manager garden and herb garden on the Sappington House grounds and may do this with the advice and assistance of other civic organizations.
 - (8) The foundation may use the second floor of the Sappington Barn Center to operate the gift shop, the proceeds from which shall be retained by the foundation for the maintenance and furnishing of the house, barn center and grounds, and shall include insurance on the gift shop inventory and payment of all expenses related to the gift shop telephone.

The foundation may accept gifts of money and property, and all such money shall be used for the support, maintenance and upkeep of the premises and the purchase of furnishings and other objects to be displayed in the Sappington House Library, or Barn Center.

- (10) The foundation shall not undertake remodeling, altering or building without the approval of the Director of Parks and Recreation. With approval of the director, the foundation will be solely responsible for the interior maintenance of the Sappington House.
- (11) The foundation will be solely responsible for all landscaping of the grounds. No additions, deletions or alterations of any kind will be undertaken to the landscaping of the grounds without the written approval of the foundation.
- (12) Copies of all foundation financial records will be provided to the city at the time these records are made available to the foundation. All foundation records are subject to audit by the city.

(Code 1965, § 10.50; Ord. No. 1459, § 2, 10-9-73; Ord. No. 3322, § 1, 9-27-94)

Sec. 17-22. - Sappington Cemetery.

- (a) The Sappington Cemetery, located on a tract described as follows:

That parcel of land in Gravois Township (formerly in Carondelet Township), known as the Sappington Cemetery, referred to in instrument recorded in Book 160, Page 533 of the St. Louis County Records, described as follows: A tract at the northeast corner of the intersection of Watson Industrial Park Drive and Watson Road (being parcel thirty-seven (37) in CB 7056 of the St. Louis County Records), fronting one hundred eighty-three (183) feet on the north line of Watson Road with a width of one hundred forty-five (145) feet in the rear by an irregular depth of one hundred sixty-nine (169) feet and one hundred fifty-one (151) feet, containing six-tenths acre, more or less,

shall be under the supervision of the park board, and all sections of this chapter pertaining to parks shall, so far as applicable, pertain to the Sappington Cemetery, excepting section 17-14.

- (b) The director of parks and recreation shall maintain the Sappington Cemetery as a historical site and shall keep the premises fenced and in a neat and orderly condition.
- (c) The cemetery shall be maintained in the same manner as parks, and no burials may be made in it.
- (d) The director of parks and recreation may adopt rules and regulations governing the time and hours of visitation and the conduct of visitors to the cemetery.

(Code 1965, § 10.60; Ord. No. 1188, § 1, 5-20-70; Ord. No. 1627, § 1, 9-28-76; Ord. No. 1640, § 3, 12-14-76)

Sec. 17-23. - Operation of cemeteries.

- (a) *Interments*. No person shall be interred in any of the cemeteries of the city until permission shall have first been given by the health commissioner designating in the cemetery a particular parcel or lot in which the dead is to be buried.
- (b) *Sexton—Generally*. A sexton shall be named for each cemetery, and his name and address shall be supplied to the health commissioner.
- (c) *Same—Powers*. The sexton shall have the exclusive right to excavate and fill graves within said cemetery after a permit has been issued by the health commissioner.
- (d) *Plats*. The sexton of each cemetery shall provide the health commissioner with a plat of his cemetery.
- (e) *State laws*. All burials, interments and encasement of bodies shall be performed in compliance with the state statutes.
- (f)

Above ground interment. It shall be unlawful for any person to deposit or permit any human body to remain on the surface of any part of said cemeteries without said body being interred in a crypt or mausoleum. Noncompliance with the provisions of this subsection for a period of two (2) hours without the permission of the health commissioner shall be prima facie evidence of intention of said person to violate this section.

- (g) *Register.* The sexton shall keep a registry of all interments and disinterments made.
- (h) *Grounds.* The cemetery grounds shall be maintained in an attractive condition, and all grass and vegetation shall be properly maintained for this purpose.
- (i) *Nuisance.* Any cemetery in violation of this section is declared to be a common nuisance, and the city or any citizen or any owner of ground adjacent to said cemetery may have the same abated as a common nuisance.

(Code 1965, § 10.61; Ord. No. 1289, §§ 1—11, 9-28-71)

State Law reference— Dead bodies, RSMo Ch. 194; cemeteries, RSMo Ch. 214.

Sec. 17-24. - Quarry; Whitecliff Park.

No person, except authorized city personnel or persons participating in an approved recreation program, shall enter into, by vehicle or on foot, the area surrounding the quarry at Whitecliff Park, which area shall be appropriately marked "No Trespassing, Violators will be prosecuted."

(Code 1965, § 10.62; Ord. No. 1748, § 1, 8-14-79)

Sec. 17-25. - Beautification committee.

- (a) A committee known as the Crestwood Beautification Committee shall consist of seven (7) to nine (9) members, to include at least one (1) owner of a business within the City of Crestwood and at least one (1) certified Master Gardener. If no candidate is available to fill these two (2) seats of special qualification, the committee may be comprised of members having a passion for horticulture, environmental sustainability and city beautification. Members of the committee shall be appointed by the mayor with the advice and consent of the board of aldermen. Members shall serve a term of two (2) years. Members shall continue to serve until their successors are qualified and appointed. The beautification committee shall hold regular meetings at a minimum on a quarterly basis at a time scheduled by the committee.
- (b) The Crestwood Beautification Committee shall work closely with the parks department. A representative from the parks department shall attend each official meeting of the Crestwood Beautification Committee. Duties of the beautification committee include: 1) advise the mayor, board of aldermen, other boards, commissions and staff on issues related to beautification and horticulture such as plantings in public areas and green space design; 2) encourage and facilitate volunteerism and sponsorship, including local businesses in the city to maintain beautification projects; and 3) encourage and support the city's compliance as a Tree City USA, and serve as the city's "Tree Board."
- (c) The City of Crestwood shall establish a budget, to be maintained by the Parks Department, for the Crestwood Beautification Committee that will enable participation in programs that will be beneficial to the city and purchase of city aesthetic improvements. The committee shall have power to consider and propose appropriate fundraising efforts to procure funds for beautification programs and projects.
- (d) A member of the board of aldermen shall attend each official meeting of the Crestwood Beautification Committee.

(Ord. No. 4522, § 1, 12-9-14)

Chapter 18 - PERSONNEL ADMINISTRATION^[1]

Footnotes:

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Cross reference— *Administration, Ch. 2.*

ARTICLE I. - IN GENERAL

Sec. 18-1. - Violations.

Any person who shall willfully or through culpable negligence violate this chapter or any regulation made pursuant hereto for which no punishment is provided herein, shall be guilty of an offense. The conviction of any such offense shall operate automatically to terminate his service and to vacate his position; any employee so removed from the service shall not be reinstated, re-employed, reappointed or in any manner shall re-enter the service of the city.

(Code 1965, § 4A.12; Ord. No. 1473, § 11, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-2. - Purpose.

The purpose of this chapter is to establish for the city a system of personnel administration based on the merit principle and scientific methods governing the appointment, promotion, tenure, welfare, transfer, lay-off, removal and discipline of its employees. It is the policy of the city to provide equal and fair employment opportunities to all job applicants and to provide equal and fair advancement opportunities to city employees without regard to race, color, creed, national origin, age, sex or religion. All appointments and promotions to positions in the service shall be made solely upon the individual qualifications for the positions being filled.

(Code 1965, § 4A.01; Ord. No. 1473, § 12-11-73; Ord. No. 3433, § 1, 11-12-96)

State Law reference— Employment of visually handicapped, RSMo 209.180.

Sec. 18-3. - Manual adopted.

The City of Crestwood Civil Service Rules and Regulations dated February 8, 1985, are hereby adopted and incorporated herein by reference. This manual and all amendments thereto shall be deemed a part of this chapter, and shall have the same force and effect as if they were set out herein in full.

(Code 1965, § 4A.13; Ord. No. 1473, § 12, 12-11-73; Ord. No. 2000, § 2, 4-23-85; Ord. No. 3433, § 1, 11-12-96; Ord. No. 4206, § 1, 10-13-09; Ord. No. 4553, § 1, 4-14-15)

Editor's note— Ord. No. 4206, § 1, amended the following section of the civil service rules and regulations: Chapter I, section 4; Chapter I, section 8F; Chapter V, section 7 (new); Chapter X, section 6A.4 and Chapter X, section 14. Ord. No. 4553, § 1, amended Chapter V of the civil service rules and regulations.

Sec. 18-4. - Department of personnel.

The department of personnel shall consist of a personnel director and a City of Crestwood Civil Service Board consisting of three (3) members.

(Code 1965, § 4A.02; Ord. No. 1473, § 1, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

- (a) The city administrator shall serve as and be the personnel director. Members of the civil service board shall be appointed by the board of aldermen, which shall designate one (1) of the three (3) members as chairman; and they shall serve without compensation. Each member shall be a registered voter of the city and shall have resided therein for at least two (2) years immediately prior to his appointment. The members of the civil service board shall be persons in sympathy with the application of merit principles to public appointment. The members of said board during their terms thereon shall hold no other public office or employment in the city and shall not hold, or be a candidate for, any political office.
- (b) The members of the civil service board shall serve terms of three (3) years, except that of the members first appointed, one (1) shall be appointed for one (1) year, one (1) for two (2) years and one (1) for three (3) years. Vacancies shall be filled by the board of aldermen by appointment for the unexpired term. A member of the board can be removed by the board of aldermen for cause, after being given a written statement of the charges against him and after a public hearing thereon, if requested by him. A certified copy of the charges and a transcript of the record of any hearing thereon shall be filed with the city clerk/collector.

(Code 1965, § 4A.03; Ord. No. 1473, § 2, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-6. - Powers and duties—Personnel director.

The personnel director shall have the power and be required to:

- (1) Hold competitive examinations for all appointments in the classified service;
- (2) Prepare and maintain a job classification system covering all administrative positions in the classified and unclassified services;
- (3) Prepare and submit to the board of aldermen and, upon its approval, maintain a pay plan for all administrative positions in the city service except as otherwise provided herein;
- (4) Appoint, pursuant to the rules established by the civil service board of the city, persons eligible to fill vacancies in the classified service;
- (5) Appoint and remove all employees in the unclassified service except as otherwise provided;
- (6) Report at least annually in writing to the civil service board regarding the operation of the personnel program; and
- (7) Prepare and recommend to the civil service board such rules as he may consider appropriate to carry out the provisions of this chapter.

(Code 1965, § 4A.04; Ord. No. 1473, § 3, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-7. - Same—Civil service board.

The civil service board shall have the power and be required to:

- (1) Advise the board of aldermen and director of personnel on the problems concerning personnel administration;
- (2) Make any investigation that the civil service board may deem desirable concerning appropriate changes or additions to the civil service rules for classified employees or procedures or general policies that unfairly or adversely affect classified employees and report to the board of aldermen at least once a year in writing on its findings, conclusions and recommendations;
- (3) Approve civil service rules;

Hear appeals of grievances regarding claimed violations, misinterpretations or misapplications of the civil service rules and regulations, department rules and regulations or disciplinary action affecting employment with the city;

- (5) Perform such other duties with reference to personnel administration, not inconsistent with provisions of the city, as the board of aldermen may require by ordinance;
- (6) Meet quarterly, or as directed by the mayor, board of aldermen, or chairman of the civil service board, or as requested by the city administrator;
- (7) Review the classification and pay plan annually; and
- (8) Render decisions on grievance appeals.

(Code 1965, § 4A.05; Ord. No. 1473, § 4, 12-11-73; Ord. No. 3433, § 1, 11-12-96; Ord. No. 4047, § 1, 4-10-07; Ord. No. 4204, § 1, 10-13-09)

Sec. 18-8. - Classification of employees.

The administrative service of the city is hereby divided into the classified and unclassified service as follows:

- (1) The unclassified service shall include elected officials, city administrator, police chief, fire chief, public works director, parks and recreation director, city attorney, prosecuting attorney(s), municipal judge(s), and all other individuals designated as contract, temporary or seasonal employees, unless otherwise designated to be included by the board of aldermen.
- (2) The classified service shall comprise all positions not specifically included in paragraph (1) of this section.

(Code 1965, § 4A.06; Ord. No. 1473, § 5, 12-11-73; Ord. No. 1511, § 1, 6-25-74; Ord. No. 1648, § 1, 2-22-77; Ord. No. 1999, § 2, 4-16-85; Ord. No. 3433, § 1, 11-12-96; Ord. No. 4050, § 1, 4-10-07; Ord. No. 4205, § 1, 10-13-09)

Sec. 18-9. - Civil service rules.

The civil service board shall hold a public hearing upon the rules recommended by the personnel director at which all persons interested may be heard. After such a hearing, the board shall approve or reject the rules wholly or in part, or may modify them and approve them as modified. The rules approved by the board shall then become effective when approved by the board of aldermen. The rules shall include provisions for:

- (1) Open competitive selection procedures to ascertain the relative fitness of all applicants for appointments in the classified service, which procedures shall be practical, shall relate to matters which fairly measure the relative fitness of applicants to discharge the duties of the positions which they seek and must take account of their character, training and experience, and no question in any verbal or written context shall relate to political, or religious opinion, affiliations or service;
- (2) Standardization in the classification of all positions in the classified service of the city, which classification into groups and subdivisions shall be made on the basis of duties and responsibilities and so arranged as to promote the filling of the higher grades, so far as practicable, through promotion;
- (3) Certification to the appointing authorities of up to three (3) names standing on the appropriate eligible list for the purpose of filling a vacancy;

- (4) Temporary appointments to meet emergencies, in absence of an eligible list;
- (5) The appointing authority shall be the department head; and
- (6) Screening of applicants by department advisory boards prior to final appointment by the department head.

(Code 1965, § 4A.07; Ord. No. 1473, § 6, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-10. - Application register, forms.

There shall be kept in the office of the personnel director an application register in which shall be entered the names and addresses and the order and date of application of all applicants for the civil service selection procedure and the offices or employments which they seek. All applications shall be on forms prescribed by the civil service board.

(Code 1965, § 4A.08; Ord. No. 1473, § 7, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-11. - Employment continued.

All persons who, at the time this chapter is adopted, are holding a position hereby placed in the classified service of the city, shall be deemed to hold such positions as though appointed in accordance with the provisions hereof. Any vacancies thereafter occurring shall be filled from eligible lists in the manner herein provided.

(Code 1965, § 4A.09; Ord. No. 1473, § 8, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-12. - Rights of employees.

Any employee under the classified service who shall be discharged or reduced in rank or compensation shall be presented with written reasons for such discharge or reduction as specified in the city grievance procedure manual.

(Code 1965, § 4A.10; Ord. No. 1473, § 9, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-13. - Disqualification of applicants.

The personnel director may reject any application which indicates that the candidate does not possess the minimum qualifications required for the position. Applicants may also be disqualified for the following reasons depending on the circumstances:

- (1) The applicant is physically unfit to perform the duties of the position.
- (2) The applicant has been convicted for the use of drugs or intoxicants.
- (3) The applicant has been convicted of a felony.
- (4) The applicant made false statements on the application.
- (5) The applicant has an unsatisfactory employment record that demonstrates unsuitability for employment with the city.
- (6) The applicant has failed to submit his application or provide requested information within the prescribed time limits.

(Code 1965, § 4A.11; Ord. No. 1473, § 10, 12-11-73; Ord. No. 3433, § 1, 11-12-96; Ord. No. 4050, § 1, 4-10-07)

Sec. 18-14. - Prohibited acts.

No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race, color, creed, national origin, age, sex or religious affiliation. No person in the classified service of the city or seeking admission thereto shall be appointed, promoted, reduced, removed or in any way favored or discriminated against because of his race, color, creed, national origin, age, sex or religious affiliation. No person shall willfully or corruptly make any false statement, certificate, mark, rating or report in regard to any selection procedure, certification or appointment held or made under the personnel provisions or in any manner commit or attempt to commit any fraud preventing the impartial execution of such personnel provisions or the rules and regulations made thereunder. No appointive salaried officer or employee of the city shall continue in such public office. No person seeking appointment to or promotion in the classified service of the city shall either directly or indirectly give, render or pay any money, service or other valuable thing to any person for or on account of or in connection with his appointment, proposed appointment, promotion or proposed promotion.

(Code 1965, § 4A.12; Ord. No. 1473, § 11, 12-11-73; Ord. No. 3433, § 1, 11-12-96)

Sec. 18-15. - Alcohol and controlled substance policy.

The city hereby adopts the alcohol and controlled substance policy, including the testing for alcohol and controlled substances, which is contained in Chapter 13 of the City's Civil Service Rules and Regulations, as may be amended from time to time by the board of aldermen.

(Ord. No. 3392, § 1, 12-12-95; Ord. No. 3433, § 1, 11-12-96; Ord. No. 4052, § 1, 4-10-07)

Editor's note— Ord. No. 3392, adopted Dec. 12, 1995, did not specifically amend the Code; hence, codification of § 1 of said ordinance as § 18-15 was at the discretion of the editor.

Secs. 18-16—18-30. - Reserved.

ARTICLE II. - POLICY AGAINST HARASSMENT OF CITY EMPLOYEES^[2]

Footnotes:

— (2) —

Editor's note—Ord. No. 4053, § 1, adopted Apr. 10, 2007, deleted and replaced the former Art. II, §§ 18-31—18-33, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and derived from Ord. No. 3583, § 1, adopted Sept. 28, 1999.

Sec. 18-31. - Policy—General.

The City of Crestwood prohibits harassment based on such factors as race, age, color, religion or creed, gender, national origin, ancestry, political affiliation, sexual orientation and mental or physical disability.

The City of Crestwood will not tolerate any conduct which constitutes harassment of any employee or any individual working for or on behalf of the City of Crestwood by any person, including co-workers, other city staff or officials, vendors, or any non-employee who is working in a City of Crestwood facility.

(Ord. No. 4052, § 1, 4-10-07)

Sec. 18-32. - Definitions.

Harassment: Ethnic slurs, racial "jokes," offensive or derogatory comments or other verbal or physical conduct based on an individual's race/color constitute unlawful harassment if the conduct creates an intimidating, hostile, or offensive working environment or interferes with the individual's work performance. Harassment may also include offensive slurs, "jokes" or other similar unwelcomed conduct.

Sexual harassment: Harassment on the basis of sex includes unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs when submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual, or such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment can occur in a variety of circumstances, including but not limited to the following:

- i. The victim as well as the harasser may be a woman or man.
- ii. The victim does not have to be of the opposite sex.
- iii. The harasser can be the victim's supervisor, an agent of the employer, a supervisor in another area, a co-worker, or a non-employee.
- iv. The victim does not have to be the person harassed but could be anyone affected by the offensive conduct.
- v. Unlawful sexual harassment may occur without economic injury to or discharge of the victim. The harasser's conduct must be unwelcomed.

(Ord. No. 4052, § 1, 4-10-07)

Sec. 18-33. - Complaint procedure.

(a) *Reporting violations:* Employees are encouraged to report any incident of harassment by any City of Crestwood employee or any other person. Employees should report incidents promptly to their supervisor, department head or any other member of management with whom the employee feels comfortable. An employee is not required to complain first to his or her supervisor or department head.

Management employees who receive a complaint, or observe, or become aware of possible harassment must immediately report it to the personnel director and mayor to ensure proper handling. Failure to do so will result in disciplinary action, which may include the management employee's dismissal. When the personnel director is informed of a possible harassment, he will immediately report this possible harassment to the mayor. The board of aldermen will be given a notification of incident when a complaint is filed.

(b) *Investigating complaints:* Every complaint or report of harassment will be investigated thoroughly and promptly. For any complaint which is lodged against a department head, or for any other complaint the personnel director deems appropriate, the personnel director, in consultation with the city attorney, shall appoint an investigator who is not an employee of the city to conduct the investigation. For any complaint that is lodged against the city administrator, the mayor, in consultation with the city attorney, shall appoint an investigator who is not an employee of the city to conduct the investigation.

All complaints will be handled as confidentially as possible, and only those individuals directly involved with or investigating the complaint will be informed of the investigation findings.

The investigation findings will be documented, and the complaining employee and alleged harasser will be kept advised of the progress of the investigation and of the investigator's findings and conclusions.

The City of Crestwood will not tolerate any form of retaliation against any employee for making a complaint about harassment, reporting a possible incident of harassment, or cooperating in the investigation of a complaint.

- (c) *Discipline:* In the case of city employees, if the investigation determines that harassment occurred, the City of Crestwood will discipline the offender and take any other appropriate remedial action. Disciplinary action for a violation of this policy can range from written warnings up to and including discharge, depending on the circumstances. With regard to acts of harassment by non-employees, remedial action within the ability of the City of Crestwood will be taken.
- (d) *Appealing decisions:* If the complaining employee is dissatisfied with the handling of the investigation and/or its findings and conclusions, the employee may submit a letter of appeal to his department head within seven (7) working days of being notified of the findings and conclusions. The department head will review the investigation documentation and any other information and will provide a written response to the complaining employee within fifteen (15) working days. If the complaining employee is dissatisfied with the department head's decision, the employee may submit a letter of appeal to the personnel director within seven (7) working days of being notified of the department head's decision. The personnel director shall review the decision of the department head and provide a written response to the complaining employee within fifteen (15) working days.

Where the department head is the subject of the complaint, the employee may submit a letter of appeal directly to the personnel director within fifteen (15) working days of being notified of the finding and conclusions of the investigation. The personnel director shall review the investigation documentation and any other information and provide a written response to the complaining employee within fifteen (15) working days.

If the employee is dissatisfied with the personnel director's written response, he may follow the appeal process outlined in Chapter IX, Section 3 E for further review by the civil service board.

Where the city administrator as personnel director is the subject of the complaint, the employee may submit a letter of appeal directly to the civil service board within fifteen (15) working days of being notified of the findings and conclusions.

(Ord. No. 4052, § 1, 4-10-07)

Chapter 19 - PLANNING AND DEVELOPMENT^[1]

Footnotes:

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Cross reference— *Administration, Ch. 2; buildings and building regulations, Ch. 7; flood damage control, Ch. 10; sewers, Ch. 21; streets and sidewalks, Ch. 24; zoning and subdivision regulations, Ch. 26; office of civil preparedness, § 2-65.*

State Law reference— *Zoning and planning, RSMo Ch. 89.*

ARTICLE I. - IN GENERAL

Secs. 19-1—19-15. - Reserved.

ARTICLE II. - RESERVATION^[2]

Footnotes:

-- (2) --

Editor's note—Ord. No. 4505, § 1, adopted Nov. 25, 2014, repealed Art. II, §§ 19-16—19-28, which pertained to landmarks and urban design commission and derived from Code 1965, §§ 20.01—20.13; and Ord. No. 1269, §§ 1—13, adopted May 25, 1971.

Secs. 19-16—19-50. - Reserved.

ARTICLE III. - URBAN REDEVELOPMENT PROCEDURES^[3]

Footnotes:

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Editor's note—Ord. No. 3930, §§ 1—16, adopted Sept. 27, 2005, repealed the former Art. III, §§ 19-51—19-63, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter and derived from Ord. No. 3559, §§ 1—13, adopted Apr. 13, 1999; Ord. No. 3782, § 1, adopted June 27, 2003.

Sec. 19-51. - Title, designation and authority.

This article shall be known and may be cited and referred to as the "Crestwood Urban Redevelopment and Procedures Ordinance". Authority for the enactment of this article is derived from Article VI, Section 21 and Article X, Section 7 of the Missouri Constitution, as well as Chapter 353, Revised Statutes of Missouri (2000), as amended, ("Chapter 353"), the Urban Redevelopment Corporations Law.

(Ord. No. 3930, § 1, 9-27-05)

Sec. 19-52. - Definitions.

The following terms, whenever used or referred to in this article shall, unless a different intent clearly appears from the context, be construed to have the following meanings:

Area shall mean that portion of the city which the board of aldermen has found or shall find to be blighted, following a public hearing thereon, so that the clearance, replanning, rehabilitation, or reconstruction thereof is necessary to effectuate the purposes of Chapter 353 and this article. Any such area may include buildings or improvements not in themselves blighted, and any real property, whether improved or unimproved, the inclusion of which is deemed necessary for the effective clearance, replanning, reconstruction or rehabilitation of the area of which such buildings, improvements or real property form a part.

Blighting analysis shall mean a written analysis of the conditions of an area confirming that such area qualifies as a blighted area under Chapter 353 and this article.

Blighted area shall mean those portions of the city which the board of aldermen shall determine that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes.

Board shall mean the Board of Aldermen of the City of Crestwood, Missouri.

Chapter 353 shall mean Chapter 353 Mo. Rev. Stat., as same may be amended from time to time, and known as the Urban Redevelopment Corporations Law.

City shall mean the City of Crestwood, Missouri.

Corporation shall mean an urban redevelopment corporation organized and existing under and pursuant to the provisions of Chapter 353.

Development contract shall mean that contract or agreement entered into between the city and a corporation pursuant to an approved development plan.

Development plan shall mean a plan completed in accordance with section 19-55 of this article and including a blighting analysis, together with any amendments thereto, for the redevelopment of all or any part of a blighted area.

Director shall mean the Director of Public Works of the City of Crestwood, Missouri.

Mayor shall mean the Mayor of the City of Crestwood, Missouri.

Real property shall include lands, buildings, improvements, land under water and any and all easements, franchises and hereditaments, corporeal or incorporeal, and every estate, interest, privilege, easement, franchise and right therein or appurtenant thereto, legal or equitable, including restrictions of record created by plat, covenant or otherwise, rights-of-way, and terms for years.

Redevelopment shall mean the clearance, replanning, reconstruction or rehabilitation of a blighted area, in whole or in part, and the provision for such industrial, commercial, residential or public structures and spaces as may be appropriate, including recreational and other facilities incidental or appurtenant thereto.

Redevelopment project shall mean a specific work or improvement to effectuate all or any part of a development plan.

(Ord. No. 3930, § 2, 9-27-05)

Sec. 19-53. - Preparation of blighting analysis.

The board may authorize the city administrator to prepare a blighting analysis or to select a planning consultant to prepare a blighting analysis evidencing conditions of blight existing within an area. Such blighting analysis may be used by the board to determine if the area qualifies as a blighted area under Chapter 353 or any other economic development or redevelopment law of the State of Missouri, providing for the clearance, replanning, reconstruction or rehabilitation of a blighted area.

(Ord. No. 3930, § 3, 9-27-05)

Sec. 19-54. - Invitation to submit proposed development plans.

Upon request by the city administrator, the city clerk shall publish a notice in the newspaper of general circulation inviting, and the city may otherwise request, the submission of proposed development plans in accordance with section 19-55 of this article for the redevelopment of an area, regardless of whether the board of aldermen has, at the time of publication, determined that such area qualifies as a blighted area. In order to be considered hereunder, a proposed development plan must be submitted in conformance with this article and within the time period established for such submission. Such time period shall not be less than thirty (30) days nor more than ninety (90) days following publication of such notice. If the board rejects all proposed development plans, or if none are submitted, the board may

direct the city clerk to publish notice again and the period of submission of proposed development plans shall begin anew. Such notice shall be sufficient if it states that the city will consider one (1) or more municipal finance incentives provided under state law in connection with the proposed project. Notwithstanding anything to the contrary herein, any party that has, prior to the date of this article, responded to a request for proposals published by the city for redevelopment of an area or other portion of the city, shall be deemed to be in compliance with the section regarding the submission of proposed development plan(s) for an area.

(Ord. No. 3930, § 4, 9-27-05)

Sec. 19-55. - Development plan contents.

Any party submitting a development plan for review shall submit no less than fifteen (15) copies, and shall submit a nonrefundable filing fee to the city of five hundred dollars (\$500.00) to be used by the city to defray the expenses connected with the evaluation and review of the proposed development plan.

A development plan shall contain at least the following information and data:

- (1) *Legal description and plat:* A legal description of the area by metes and bounds or other definite designation and a scaled plat of the area.
- (2) *Design plan:* A narrative description and preliminary design plan of the proposed redevelopment project and schematic drawings and elevations describing the general location of structures, height, size and scale of structures, proposed land uses, open spaces, building materials, general landscaping and traffic circulation;
- (3) *Project phases:* A statement of the various phases, if more than one (1) is intended, by which the redevelopment project is proposed to be constructed or undertaken, and the approximate time limit for the commencement and completion of each phase, together with a legal description, or other definite designation, of the real property to be included in each phase;
- (4) *Unit specifications; availability:* A statement of the character, type and quality of construction, and where applicable, the approximate number of units, the square footage of the various units, approximate rentals and approximate date of availability of the proposed units to be offered during the construction by each phase, if at all, or upon completion of the redevelopment project;
- (5) *Property to be demolished:* A statement of the existing buildings or improvements in the blighted area proposed to be demolished, in whole or in part, if at all, and an estimate of the timing of such demolition;
- (6) *Building rehabilitation:* A statement of existing buildings to remain, if any, the proposed improvements to each such building to remain and the approximate period of time during which such improvements, repairs or alterations are to be made;
- (7) *New construction:* A statement of the general type, size, number, character and materials of each new industrial, commercial, residential or other building or improvement to be erected or made and the estimate of the timing of such construction;
- (8) *Open space and other amenities:* A statement of those portions, if any, of the blighted area which may be permitted or will be required to be left as open space or improved with other amenities, the use to which each such space is to be put, the period of time each such space will be required to remain an open space or used for other amenities and the manner in which it will be improved and maintained;

- (9) *Property for public agencies:* A statement of those portions, if any, of the area which are proposed to be sold, donated, exchanged or leased to any public agency and an outline of the terms of such proposed sale, donation, exchange or lease;
- (10) *Zoning changes:* A statement of the proposed changes, if any, in the zoning ordinance or zoning map, necessary or desirable for the redevelopment project and its protection from blighting influences;
- (11) *Street changes:* A statement of the proposed changes in streets or street levels and proposed street closings within, adjacent to, or in the proximity of the area, if any;
- (12) *Utility changes:* A statement of the changes, if any, which will be required in utility sources to accommodate the redevelopment project and changes, if any, in utility lines, easements, or locations;
- (13) *Acquisition plan, eminent domain:* A statement giving: (i) the legal description, or other definite designation, of the real property owned or under option or contract to purchase by the corporation or its agent or affiliates; (ii) where known, or in the event the parties are unable to conclude a voluntary conveyance, designation of the real property proposed to be acquired by eminent domain by the corporation; and (iii) the time schedule for acquisition by either negotiated purchase or exercise of the power of eminent domain;
- (14) *Eminent domain by city:* A statement giving the legal description of the real property, if any, proposed to be acquired by the city on behalf of the corporation, the terms and conditions for such acquisition, and the reasons why the aid of the city is sought for this purpose;
- (15) *Financing:* A detailed statement of the proposed method of financing the redevelopment project which shall set forth the estimated development costs of the project and the proposed sources of funds, debt and equity, to meet such estimated costs; a signed letter of commitment from the financing entity evidencing that construction financing has been approved for the redevelopment project (which letter may be conditioned upon and subject to completion of final plans and specifications, final approval by the city of the development plan, negotiation of the development contract and such other standard conditions as are found in construction financing commitment letters); a detailed statement of the projected revenues and expenses during the first five (5) years in which the project is in operation; and the assurances, including performance bonds, if any, to be given to the city by the corporation and its affiliates for the corporation's performance of its obligations;
- (16) *Management:* A list of the persons proposed to be active in or associated with the management of the redevelopment project during a period of at least two (2) years following completion of construction and a list of the officers, directors and principal stockholders of the corporation;
- (17) *Qualifications:* A statement detailing the experience and qualifications of the person or corporation, including any principals, submitting the proposed development plan and proposed to be actively involved in the overall direction and implementation of the redevelopment project.
- (18) *Public property:* A statement listing any real property in the area in public use or belonging to the city, county, state or any political subdivision, thereof, together with a statement that the consent of such entity, other than city, has been obtained for the acquisition of such property if such property is to be acquired;
- (19) *Relocation:* A statement of the proposed plan, if any, for the relocation of those persons who will be displaced by the redevelopment project and the estimated costs thereof.

Other information: The development plan may also contain such other statements or exhibits as may be deemed relevant by the corporation or is requested by the board.

(Ord. No. 3930, § 5, 9-27-05)

Sec. 19-56. - Supporting evidence of blight.

Any application for approval of a development plan shall be supported by factual evidence of blight that:

- (1) Relates to the area generally;
- (2) Relates to each specific property proposed to be acquired by the corporation;
- (3) Is sufficient to show that, by reason of age, obsolescence, inadequate or outmoded design or physical deterioration, the properties involved have become economic and social liabilities, and that such conditions are conducive to ill health, transmission of disease, crime or inability to pay reasonable taxes; and
- (4) Is sufficient to support a finding of blight by the board, in compliance with state law.

(Ord. No. 3930, § 6, 9-27-05)

Sec. 19-57. - Public hearing.

At such time as determined by the city following the final date for submission of proposed development plans, and if a proposed development plan or more than one (1) such plan, has been submitted, the city clerk shall publish notice in a paper of general circulation notifying all interested parties in the proposed development plan(s) that a public hearing will be held on a date and time certain, provided that the public hearing shall not be held less than fifteen (15) days prior to nor more than thirty (30) days following publication of the notice provided for in this section. At the public hearing, interested parties shall be afforded an opportunity to comment on the proposed grant of rights or powers to a corporation with respect to a blighted area including, but not limited to, eminent domain.

(Ord. No. 3930, § 7, 9-27-05)

Sec. 19-58. - Preliminary approval of development plan.

- (a) The board may request, and receive, clarification of any proposed development plan. The board in its discretion, may waive any irregularity or omission in any proposed development plan;
- (b) Following the public hearing, the board shall consider the merits of the proposed development plan(s) and, in its discretion, by resolution, preliminarily, either (i) approve a development plan as proposed, (ii) approve a development plan with modifications and conditions, or (iii) disapprove a proposed development plan;
- (c) Following preliminary board approval, the person or corporation submitting the proposed development plan shall file evidence with the city clerk that it is a lawfully organized corporation and that such corporation is in good standing existing under Chapter 353.

(Ord. No. 3930, § 8, 9-27-05)

Sec. 19-59. - Final approval of development plan.

Final approval of a proposed development plan shall be by ordinance. The ordinance approving a development plan shall contain:

- (1)

A finding that the area qualifies as a blighted area, and that the clearance, redevelopment, replanning, rehabilitation or reconstruction thereof is necessary for public convenience and necessity and constitutes a public purpose;

- (2) A finding that construction of the redevelopment project is necessary for the preservation of the public peace, property, health, safety, morals and welfare;
- (3) If the board so determines, the finding and declaration that the exercise of the power of eminent domain by the corporation is necessary to accomplish the purposes of the redevelopment project and is in the best interests of the city;
- (4) Authority for the mayor to enter into a development contract on behalf of the city with the corporation;
- (5) A designation of the time within which all real property in the blighted area must be acquired by the corporation, which may include acquisition by phases, and provision for the expiration of development rights including the right of eminent domain in the event of failure of the corporation to acquire ownership of the real property within the blighted area within the time limits specified;
- (6) A provision limiting the use of the blighted area to the use(s) described in the approved development plan for a period of years;
- (7) Such other matters as may be deemed relevant by the board, including, but not limited to, liquidated damages and amount of performance and payment bonds, if any; and
- (8) If the board so determines, a provision authorizing that any surplus earnings in excess of the rate of net earnings provided in Chapter 353 may be held by the corporation as a reserve for maintenance of such rate of return in the future and may be used by the corporation to offset any deficiency in such rate of return which may have occurred in prior years; or to be used to accelerate the amortization payments; or for the enlargement of the redevelopment project; or for reduction in rentals therein.

(Ord. No. 3930, § 9, 9-27-05)

Sec. 19-60. - Tax abatement.

- (a) The real property of a corporation acquired pursuant to this article shall not be subject to assessment or payment of general ad valorem taxes imposed by the city, or by the state or any political subdivision thereof, for a period of not in excess of ten (10) years after the date upon which such corporation becomes owner of such real property, except to such extent and in such amount as may be imposed upon such real property during such period measured solely by the amount of assessed valuation of the land, exclusive of improvements, acquired pursuant to this article and owned by such corporation, as was determined by the county assessor for taxes due and payable thereon during the calendar year preceding the calendar year during which the corporation acquired title to such real property; and the amounts of such tax assessments shall not be increased during such period so long as the real property is owned by an urban redevelopment corporation and used in accordance with the development plan authorized by the board.
- (b) In the event, however, that any such real property was tax exempt immediately prior to ownership by any urban redevelopment corporation, such assessor shall, upon acquisition of title thereto by the corporation, promptly assess such land, exclusive of improvements, at such valuation as shall conform to but not exceed the assessed valuation made during the preceding calendar year of other land, exclusive of improvements, adjacent thereto or in the same general neighborhood, and the

amount of such assessed valuation shall not be increased during the period set pursuant to subsection a of this section so long as such real property is owned by such corporation and used in accordance with the development plan and approved by the board.

- (c) For the next ensuing period not in excess of fifteen (15) years, ad valorem taxes upon such real property shall be measured by the assessed valuation thereof as determined by such assessor upon the basis of not to exceed fifty (50) percent of the true value of such real property, including any improvements thereon, nor shall such valuations be increased above fifty (50) percent of the true value of such real property from year to year during such next ensuing period so long as the real property is owned by the corporation and used in accordance with an authorized development plan.
- (d) After a period totaling not more than twenty-five (25) years, such real property shall be subject to assessment and payment of all ad valorem taxes, based on the full true value of the real property; provided that after the completion of the redevelopment project as authorized by law or ordinance whenever any corporation shall elect to pay full taxes, or at the expiration of the period, such real property shall be owned and operated free from any of the conditions, restrictions or provisions of this section, the approving ordinance and any rule or regulation adopted pursuant to this article.
- (e) Notwithstanding any other provision of law to the contrary, payments in lieu of taxes may be imposed by contract between the city and the corporation which receives tax abatement or exemption on property pursuant to Chapter 353. Such payment shall be made to the collector of revenue of St. Louis County by December 31 of each year that payments are due. The board shall furnish the collector a copy of such contract requiring payment in lieu of taxes. The collector shall allocate all revenues received from such payment in lieu of taxes among all taxing authorities whose property tax revenues are affected by the exemption or abatement on the same pro rata basis and in the same manner as the ad valorem property tax revenues received by each taxing authority from such property in the year such payments are due.

(Ord. No. 3930, § 10, 9-27-05)

Sec. 19-61. - Acceptance by corporation.

- (a) Upon enactment of an ordinance approving a development plan, the city shall enter into a development contract with the corporation pursuant to the terms and conditions set forth in this article and the ordinance approving the development plan. The corporation shall not have any of the benefits of the ordinance approving the redevelopment plan until it has executed the development contract, by its duly authorized officers.
- (b) A copy of the development contract between the city and the corporation for carrying out the development plan shall be recorded by the corporation in the office of the Recorder of Deeds of St. Louis County and proof of such recording shall be filed with the city clerk. True copies of the development plan approved by the board by ordinance shall be retained with the authorizing ordinance by the city clerk.

(Ord. No. 3930, § 11, 9-27-05)

Sec. 19-62. - Compliance with other city ordinances.

- (a) Prior to the commencement of an approved redevelopment project, the corporation shall comply with all other applicable ordinances, including without limitation, as necessary, all procedures for rezoning, subdivision approval, street vacation and establishment.

(b)

The corporation shall pay when due and payable all such fees, licenses and other charges required by the ordinances of the city applicable to such corporation or the redevelopment project to be undertaken.

(Ord. No. 3930, § 12, 9-27-05)

Sec. 19-63. - Monitoring of compliance, time extensions and certification of completion.

- (a) *Building permits:* In the event an ordinance approves a development plan for a blighted area, no building permit for construction in the area shall be issued unless the building plans are found by the director to be in substantial compliance with the approved development plan, as same may have been amended, modified or changed by ordinance, for the period during which the development plan is in effect, and in compliance with all other applicable city ordinances.
- (b) *Investigation and reports:* It shall be the duty of the director, after a development plan has been approved by the board, to investigate and determine from time-to-time during construction of the redevelopment project whether the corporation undertaking such development plan is fully complying with the provisions thereof and its development contract with the city, and all other applicable city ordinances, in the manner and at the times fixed therein for the performance of the various phases thereof. The director shall make periodic reports to the board and the mayor regarding same.
- (c) *Time extension:* The board may, for good cause shown, grant to a corporation operating under an approved development plan an extension of time in which to complete the redevelopment project, or any phase, state or portion thereof.
- (d) *Recommendation of certification:*
 - (1) When a corporation operating under an approved development plan shall have completed the redevelopment project, or any phase thereof, in accordance with the provisions of the development plan and all applicable city ordinances, the director, upon the written request of such corporation, shall conduct an investigation, and if the director determines that the redevelopment project or such phase thereof has been so completed, he shall recommend to the board that a certificate of full compliance in recordable form be issued to such corporation for such phase or for the entire redevelopment project, as the case may be.
 - (2) In the event it is determined that the redevelopment project or any phase thereof has not been so completed, then the board shall give notice by certified mail, return receipt requested, to the corporation stating the reasons for the finding that there has not been substantial compliance.

(Ord. No. 3930, § 13, 9-27-05)

Sec. 19-64. - Conveyance of property.

A corporation may sell or otherwise dispose of any or all of the real property acquired by it for the purpose of a redevelopment project. Any such conveyance or other disposition shall be subject to the terms of the approved development plan and development contract.

(Ord. No. 3930, § 14, 9-27-05)

Sec. 19-65. - Remedies.

Whenever any corporation operating under, or availing itself of the benefits of, a development plan, does not substantially comply with the development plan and the development contract with the city within the time limits and in the manner as therein stated, reasonable delays caused by unforeseen circumstances beyond their control alone excused, or shall do or permit to be done anything in violation

of the development plan, the development contract or this article, or omits to do anything required of it by the development plan, the development contract or this article, or shall be about so to do, permit to be done, or fail or omit to have done, then suit may be filed by the city for injunctive relief and/or for damages against the corporation for breach of any of the terms, conditions and covenants of the development plan, the development contract or this article. The board may elect to terminate a development contract for nonperformance or breach by the corporation. In the event the city prevails in any action hereunder, it shall recover all of its attorney's fees, costs and damages arising out of such action.

(Ord. No. 3930, § 15, 9-27-05)

Sec. 19-66. - Acceptance of application of state enabling act.

The provisions of Chapter 353 are hereby accepted and shall apply to all persons and corporations operating under this article insofar as the same may be applicable thereto.

(Ord. No. 3930, § 16, 9-27-05)

Chapter 20 - POLICE DEPARTMENT^[1]

Footnotes:

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Cross reference— *Administration, Ch. 2; alarm systems, Ch. 4; fire prevention and protection, Ch. 9; municipal court, Ch. 15; personnel administration, Ch. 18; destruction of records, § 2-6; police and fire pensions, § 2-191 et seq.; emergency vehicles, § 14-13; school crossing guards, § 14-16; officer's returns in municipal court, § 15-18; resisting, interfering with or impersonating officer, § 16-25.*

Sec. 20-1. - Police board.

- (a) *Created.* There is hereby created in the city a police board to include one (1) aldermanic representative to be appointed by the mayor from the members of the board of aldermen. In addition, five (5) citizens with an interest in the police department, one (1) from each ward and one (1) citizen at large, shall be appointed by the mayor with majority approval of the board of aldermen. The citizen designated as the member at large shall act as chairman of the police board. The terms of the citizens' members shall run concurrently with the terms of the mayor. Members shall serve until their replacement is approved and appointed.
- (b) *Aldermanic representative.* The aldermanic representative, or another alderman as his designee, or the mayor, shall be present at all regular meetings of the police board. Said representative shall act as liaison between the police board and the board of aldermen. Said representative may participate in all discussions but shall not have a vote.
- (c) *Meetings.* The police board shall meet monthly unless cancelled due to extenuating circumstances and shall keep minutes of its proceedings. A quorum of the police board shall consist of the aldermanic representative, his designee or the mayor, and three (3) of the citizen members.
- (d) *Duties.* The police board shall act in an advisory capacity to the mayor, board of aldermen and chief of police on policy matters relating to the operation of the police department. Policy matters shall be defined to include budgeting, capital improvements, planning and administrative procedures, public relations, training, law enforcement programs and to do and perform such other services for the safety and protection of the lives of the inhabitants and property of the city as may be directed by the

mayor and the board of aldermen from time to time. Subject to the approval of the mayor and board of aldermen, it shall make recommendations for improving police protection within the city, and recommend regulations pertaining to the conduct of members of the police force.

- (e) *Compensation.* The members of the police board shall receive such allowances for expenses as may be provided by the city.
- (f) *Vice-chairman.* A vice-chairman shall be elected by the police board and shall act as chairman in the chairman's absence.
- (g) *Secretary.* A secretary shall be elected by the police board. The police board, through the secretary, if present, and if not, through one (1) of the other commissioners, shall submit a copy of the minutes of its meetings, including a summary of its proceedings and activities and such recommendations as may be required, to the mayor and board of aldermen members.
- (h) *Police chief.* The police chief shall be an ex officio member of the police board, acting in an advisory relationship and shall attend all meetings of the police board. If the police chief is unable to attend any such meeting, he shall designate a substitute. The police chief shall, when requested by the police board, furnish reports on performance of the police department, at reasonable times, and investigate all activities of the police department.
- (i) *Vacancies.* Vacancies from the police board shall be reported to the mayor and shall be filled in like manner as the original appointment with each replacement appointed from the same ward as the citizen being replaced to serve the unexpired term.

(Code 1965, § 6.01; Ord. No. 1769, 12-11-79; Ord. No. 4194, §§ 1-3, 7-28-09)

Cross reference— Administration, Ch. 2.

Sec. 20-2. - Police force.

- (a) *Created.* A police force of the city is hereby created and established.
- (b) *Members; appointment.* The police force shall consist of a chief of police and such commissioned officers, noncommissioned officers and police officers as may be provided for by ordinance or resolution.
- (c) *Oath.* Members of the police force shall take an oath to support the constitution and laws of the United States and of the state, and the ordinances of the city.
- (d) *Compensation.* The compensation of the chief of police and all police department personnel shall be provided for within the city's budget.

(Ord. No. 717, §§ 1, 2, 7—11, 4-17-62; Code 1965, § 6.04; Ord. No. 4194, § 4, 7-28-09)

Sec. 20-3. - Chief of police—Generally; officers.

- (a) Pursuant to a vote of the voters of the city at an election held April 3, 1962, the office of marshal is abolished and the board of aldermen are authorized to provide by ordinance for the appointment of a chief of police, who shall perform all duties required of the marshal by law, and for the appointment of any other police officers found by the board of aldermen to be necessary for the good government of the city.
- (b) The office of chief of police is hereby created.

(Ord. No. 705, §§ 1—3, 4-17-62; Code 1965, § 6.02)

Sec. 20-4. - Same—Duties.

The chief of police shall be the chief officer of the police force and shall have supervision of all other commissioned officers, noncommissioned officers, and police officers. The chief of police rank shall be that of colonel. The chief of police shall perform all of the duties and have all of the powers as the highest ranking officer within the police department of a charter city or as otherwise provided by law, and shall have all of the powers and duties as set forth in the ordinances of the city.

(Ord. No. 4194, § 5, 7-28-09)

Editor's note— Ord. No. 4194, § 5, adopted July 28, 2009, deleted former § 20-4, and enacted a new § 20-4 as set out herein. Former § 20-4 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

State Law reference— Marshal and police, RSMo 85.610 et seq.

Sec. 20-5. - Reserved.

Editor's note— Ordinance No. 3244, § 1, adopted January 12, 1993, deleted § 20-5 in its entirety. Formerly, § 20-5 pertained to the rank of police chief and derived from § 6.031 of the 1965 Code and from Ord. No. 1510, § 1, adopted June 25, 1974.

Sec. 20-6. - Acting chief.

A ranking commissioned officer on the police force shall serve as acting chief of police in the absence of the chief or in case of vacancy in the office of chief of police.

(Ord. No. 719, § 6, 4-17-62; Code 1965, § 6.06)

Sec. 20-7. - Conduct of officers.

Members of the police force shall obey their superiors and all rules and regulations adopted as provided in this chapter, conduct themselves courteously and in conformity with their status as conservators of the peace and shall diligently and circumspectly perform all their duties under the law, ordinances and regulations of the police board. They shall obey all laws and ordinances and do nothing to cause aspersion upon or dishonor, degrade, shame or create public doubt or distrust as to themselves, the police force, their superiors or the city.

(Ord. No. 717, § 12, 4-17-62; Code 1965, § 6.08)

Sec. 20-8. - Arrest.

The members of the police force shall have power at all times to make or order arrests with proper process for any offense against the laws of the state or ordinances of the city, and to keep the offender in the city lock-up or other proper place to prevent escape until a trial can be had, unless such offender is released from custody pending trial. They shall also have power to arrest on view, and without a warrant, any person the officer sees violating or who such officer has probable cause to believe has violated any law of this state, including a misdemeanor or has violated any city ordinance. The power of arrest authorized hereunder is in addition to all other powers conferred upon members of the police force and shall not be construed so as to limit or restrict any other power of the members of the police force.

(Ord. No. 717, § 14, 4-17-62; Code 1965, § 6.09; Ord. No. 3273, § 1, 7-13-93; Ord. No. 4194, § 6, 7-28-09)

State Law reference— Issuance of warrants, RSMo 479.100; arrest, RSMo Ch. 544.

Sec. 20-9. - Serving process; other duties.

Members of the police force shall have power to serve and execute all warrants, subpoenas, writs or other process. They shall at all times preserve the public peace, apprehend persons charged with criminal offenses, execute the lawful orders of the municipal judge and of the mayor and board of aldermen and shall perform all duties imposed upon them by the ordinances of the city. In case of ordinances requiring the chief of police to post or give notice or warning, or perform any duty in connection with election ordinances or any other ordinance of the city, it shall be sufficient for any member of the police force under the direction and order of his superior officers to perform such act or service.

(Ord. No. 627, § 1, 11-1-60; Code 1965, § 6.10)

Sec. 20-10. - Reports of chief.

The chief of police shall report on the performance of his duties at all regular police board meetings and to the board of aldermen as may be requested from time to time.

(Ord. No. 4194, § 7, 7-28-09)

Editor's note— Ord. No. 4194, § 7, adopted July 28, 2009, deleted former § 20-10, and enacted a new § 20-10 as set out herein. Former § 20-10 pertained to similar subject matter. See the Code Comparative Table for complete derivation.

Secs. 20-11—20-13. - Reserved.

Editor's note— Ord. No. 4194, § 8, adopted July 28, 2009, repealed §§ 20-11—20-13, which pertained to rules and regulations, witness fees and sale of personal property. See the Code Comparative Table for complete derivation.

Sec. 20-14. - Crowds.

- (a) In the event of a gathering of a large crowd or congestion of persons at any spectacle, sale or other scene or event which may destroy the walks, drives, streets, ways or aisles, passageways and exits inside or outside of any building so that in the event of an emergency or catastrophe of any kind the lives, health and safety of persons might be unduly endangered, it shall be the duty of the chief of police and members of the police force to take all necessary steps to direct, control or disperse the crowd or gathering so that any existing or dangerous conditions to persons or property may be removed or abated. In the absence of the police officer, the fire chief and firemen shall act as aforesaid, and the fire chief shall have authority to call upon the police officers for assistance when required.
- (b) It shall be the duty of the police officers to prevent crowds and gatherings from blocking or obstructing streets, alleys, driveways or parking areas, unless arrangements have been made to block off and reserve the street, alley, driveway or parking area for such gathering of persons. They shall prevent persons gathered together in a group or crowd from remaining in any place where they are exposed to unusual danger or injury, and their orders and directions to that end shall be obeyed by all those to whom given.
- (c) In the case of crowds or gatherings of persons in buildings in such numbers that the aisles and passageways and entrances and exits are blocked or obstructed so that in case of any fire or other catastrophe persons might be trapped in the event of concerted rush to the existing exit or exits, it shall be the duty of the fire chief and firemen to clear the passageways and aisles in the immediate vicinity of the exits to the end that the exits will not be unduly congested, and to prevent persons

from entering such buildings if their added presence therein would result in undue congestion as referred to above. In performing these duties, the fire chief and firemen may call upon the police for assistance.

- (d) All lawful orders of the police officers and firemen given under the provisions of this section for the protection, safety and welfare of persons and property shall be obeyed by all persons present.
- (e) In carrying out the provisions of this section, police officers and firemen may give all necessary orders and directions for the protection of the lives and property of persons in the vicinity, including the stopping and re-routing of traffic, dispersal of crowds, the removal of flammable or dangerous material and of other movable objects creating obstructions or obstacles which may endanger the lives of persons, and it shall be the duty of all persons given such orders and directions to obey them.
- (f) No person shall fail or refuse to obey any lawful order of the police officers, fire chief or firemen given under the provisions of this section.

(Ord. No. 738, 6-12-62; Code 1965, § 6.20)

Sec. 20-15. - Secondary employment of officers.

- (a) In all cases of secondary employment, the primary duty, obligation and responsibility of a police officer is at all times to the police department.
- (b) A police officer, while engaged in secondary employment, shall take proper action on any offense or condition of which he has or acquires knowledge, which would normally require police attention, including arrests and making reports.
- (c) Authorization is necessary before any police officer can engage in secondary employment. Two (2) copies of the secondary work permit shall be completed and submitted to the police chief for approval. If approved, one (1) copy shall be returned to the officer who submitted it and shall be his authorization to work at secondary employment. The second copy shall be kept in the police files.
- (d) Authorization for secondary employment is limited to a total of twenty (20) hours per week. Authorization of such employment may be revoked if such employment tends to interfere with department duties or for other good reason, as determined by the police chief and not subject to appeal.
- (e) All work performed while engaged in secondary employment shall be limited to the duties, location and employer listed in the properly approved secondary work permit. No changes in the duties or employer will be allowed unless prior approval in writing for such change is obtained from the police chief.
- (f) A permit for secondary employment shall not be approved for a police officer to:
 - (1) Work at any location or in any employment which will tend to bring the police department into disrepute, or to reduce his or her efficiency of usefulness as a police officer;
 - (2) Operate a taxicab;
 - (3) Engage in the professional collection of debt or bills;
 - (4) Serve civil processes or conduct divorce investigations;
 - (5) Work where it appears from the applicant's sick record or other evidence that secondary employment might impair his ability to discharge his obligations to the department.
- (g) Police officers may not use department facilities or records in conjunction with secondary employment, and they shall do nothing to infringe upon or interfere with the department's role of neutrality in any labor controversy.

Police officers who engage in secondary employment may not wear the department uniform, except on specific approval of the police chief.

- (i) A police officer working in secondary employment will not receive any compensation from the city for illness or injuries suffered as a result of secondary employment, other than that provided for in specific ordinances passed by the city for city employees. Exceptions will be made in cases where a police officer is injured while fulfilling his role as an officer, even though engaged in secondary employment.

(Ord. No. 1265, §§ 1—8, 5-11-71; Ord. No. 1271, § 1, 6-8-71; Code 1965, § 6.25; Ord. No. 3272, § 1, 7-13-93; Ord. No. 4194, § 9, 7-28-09)

Chapter 21 - SEWERS^[1]

Footnotes:

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Cross reference— *Air pollution, Ch. 3; buildings and building regulations, Ch. 7; flood damage control, Ch. 10; health, Ch. 12; planning and development, Ch. 19; solid waste, Ch. 23; streets and sidewalks, Ch. 24; building drains connected to sewers, § 7-10; trailer camps, § 13-51 et seq.; subdivisions, § 26-81 et seq.*

State Law reference— *Public utilities, RSMo 71.520 et seq. and Ch. 91; acquisition of land, RSMo 79.380; public works, RSMo Ch. 88.*

Sec. 21-1. - Definitions.

Terms used in this chapter have the following meanings:

Approved sewer: A sanitary sewer, the use of which is or may be authorized by the Metropolitan St. Louis Sewer District.

Available sewer: An approved sewer which is located within the distance prescribed in the following table, when measured along adjacent streets, alleys, easements or other permissible ways, from the portion of the building that will result in the shortest route to the nearest point in the sewer line where a lawful connection may be made, to wit:

Type of Building	Distance Between Building and Sewer
Single-family residences	500 feet
Duplexes, flats and apartments	600 feet
Business, commercial and industrial buildings	800 feet
Hotels, tourist courts, motels and trailer camps	1,000 feet

(Ord. No. 626, §§ 2, 3, 10-25-60; Code 1965, § 14.03)

Sec. 21-2. - Connections to sewer.

- (a) Buildings constructed after October 25, 1960 shall be connected to an available sewer before an occupancy permit or certificate may be issued. Occupied buildings which are within the specified distances from an available sewer must be connected to such sewer. As sewers become available to existing buildings in the city, connections to such sewers must be made within ninety (90) days thereafter, except for single-family residences, which must be connected within one hundred twenty (120) days.
- (b) Any person failing to connect a building to an available sewer as required by this chapter shall be notified in writing by the director of public works to make such connection within thirty (30) days after the date such notice is personally served upon or is deposited in the mail addressed to the owner or lessee of such building. Failure to make the connection within the thirty-day period shall constitute a separate offense, and each ten (10) days the connection is delayed beyond such thirty (30) day period shall constitute an additional offense.

(Ord. No. 626, §§ 4—6, 10-25-60; Code 1965, § 14.04)

Sec. 21-3. - Regulation policy; unsatisfactory facilities.

Outhouses, privies, septic tanks, cesspools, sink holes and private sewage disposal plants are generally recognized in the county and the city as, and they are hereby declared to be, unsatisfactory methods of handling sewer and wastes in a congested community, such as exists in this city, and are to be tolerated only as necessary evils when no approved sanitary sewer line is available, as defined in this chapter.

(Ord. No. 626, § 1, 10-25-60; Code 1965, § 14.02)

Sec. 21-4. - Continuing unsatisfactory facilities.

It shall be unlawful for any person to use any of the unsatisfactory facilities described in section 21-3 for the handling of sewage and wastes of a building after the expiration of the time permitted by this chapter for connecting the building to an available sewer, and it shall be unlawful to occupy or permit the occupancy of any building not connected to an available sewer, after the expiration of the time allowed by this chapter for such connection.

(Ord. No. 626, § 7, 10-25-60; Code 1965, § 14.05)

Sec. 21-5. - Private sewage disposal systems.

- (a) *Percolation test.* No person shall build, erect or install any septic tank, sand filter, cesspool or similar sewage disposal unit which depends for partial disposition of the effluent therefrom by soil absorption or percolation, until a test has been made by a competent engineer of the soil on the lot or tract of land on which the leaching field, sand filter or other dispersal ground is to be located, to determine the quality of the soil and the amount or extent of leaching, filters or dispersal field necessary to properly service the tank or other equipment.
- (b) *Testing fee.* The test shall be made upon the order of the director of public works upon payment by the owner, builder or other person desiring installation of the disposal unit, in the sum of fifty dollars (\$50.00) for each lot to be tested.
- (c) *Number of tests.* In the case of new subdivisions, the director of public works shall determine whether tests shall be required on each proposed lot or whether a lesser number of tests will suffice in various parts of the proposed subdivision, and no plat of a new or proposed subdivision shall be approved

until the amount required to pay the fees of the testing engineer shall have been deposited with the city.

- (d) *Deposit for fees.* Deposits for tests shall be made with the city clerk/collector and shall be disbursed upon order of the director of public works.
- (e) *Test standards.* The director of public works, with the advice and counsel of the health commissioner, shall establish rules and regulations for percolation tests, seepage pits and sand filter trenches and shall conform as nearly as practicable to the standards established by the county health department.
- (f) *Construction plan approval.* No person shall construct any septic tank, and filter, cesspool or similar sewage disposal unit until the tests provided for in this section have been made and until the director of public works has approved the size of the absorption field, the location of the unit, type of unit and location and specifications for length of pits and trenches, underdrains, filter pipes, gravel base, filter sand, filter bottom, filter walls and filter cover, and construction shall in all details conform to the directions of the director of public works.
- (g) *Connection.* No person shall connect any house or building or sewers to any septic tank, sand filter, cesspool or similar sewage disposal unit after July 12, 1955 unless it has been constructed in accordance with the directions of the director of public works as herein provided and approved by him.
- (h) *Enforcement.* The director of public works shall have authority to deputize competent personnel of the public works department to assist him in his duties under this section.

(Ord. No. 238, §§ 1—8, 7-12-55; Code 1965, § 14.01)

State Law reference— Private sewers, RSMo 88.842.

Sec. 21-6. - Reserved.

Editor's note— Ord. No. 3731, § 1, adopted May 28, 2002, repealed § 21-6 of the Code, which pertained to the storm and waste water committee and derived from Ord. No. 3258, § 1, adopted May 25, 1993.

Sec. 21-7. - Sewer lateral repair policy.

The current sewer lateral policy (August 2007 revisions) is hereby repealed and a new policy, a copy of which is attached hereto and made a part hereof as Exhibit A, is adopted in its place.

(Ord. No. 3530, § 1, 8-25-98; Ord. No. 3886, § 1, 2-8-05; Ord. No. 4006, § 1, 10-10-06; Ord. No. 4078, § 1, 8-28-07; Ord. No. 4271, § 1, 10-12-10)

Editor's note— Exhibit A, as referenced above, is not set out herein but can be found on file with the city.

Chapter 22 - SIGNS^[1]

Footnotes:

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Editor's note—Ord. No. 3932, §§ 1, 2, adopted Sept. 27, 2005, repealed the former Ch. 22, §§ 22-1—22-37, and enacted a new Ch. 22 as set out herein. The former Ch. 22 pertained to similar subject matter and derived from Ord. No. 3593, § 1, adopted Jan. 11, 2000.

Cross reference— Buildings and building regulations, Ch. 7; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; traffic-control devices, § 14-46 et seq.; street signs, § 24-26.

State Law reference— Billboards, RSMo 226.500 et seq.

Sec. 22-1. - Definitions.

Terms used in this chapter, unless the context otherwise indicates, mean:

Banner: Any sign constructed of lightweight fabric or similar material. Flags shall not be considered banners so long as they are the official flag of a nation, state, city or institution.

Billboard: An outdoor sign, advertising an article or product not manufactured, assembled, processed, repaired, or sold upon the premises upon which the sign is located or advertising a service not rendered upon the premises upon which the sign is located.

Box sign: A wall sign in which all components are contained within a frame and not composed of individual letters.

Directional sign: A post sign indicating the direction to a business.

Electronic message centers: Any sign, or portion of a sign, that displays an electronic image, which may or may not include text, where the rate of change is electronically programmed and can be modified by electronic processes. Electronic message centers include computer programmable, microprocessor, or controlled electronic displays and the images can be produced from LED technology, fiber optics, light bulbs, or other illumination devices within the display area. Electronic message centers do not include projected images or messages projected onto buildings or other objects.

Enforcement official: The director of public works or his designee.

Erect: To build, construct, attach, hang, place, suspend or affix, and shall also include the painting of wall signs.

Facing or surface: Any surface of a sign upon, against or through which the message is displayed or illustrated on the sign.

Flag: A cloth with colors, patterns, etc. used as a symbol of a nation, state, city, or institution.

Ground sign: Any sign which has the top part of its face less than ten (10) feet above the ground and which is erected upon or supported by the ground, a ground planter box or other supports.

Illuminated sign: Any sign, which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.

Incombustible material: Any material, which will not ignite at or below a temperature of twelve hundred (1,200) degrees Fahrenheit and will not continue to burn or glow at that temperature.

Light pole sign: A sign that has the lowest part of its face at least eight (8) feet above the ground and which is supported by a pole with a light designed for illuminating a street and adjacent area.

Marquee sign: Any structure attached to a building at the inner end and supported on the other end, or a free standing structure, with one (1) or more supports, onto which signs may be affixed or incorporated.

Monument sign: A sign, which may be located at a shopping center, composed of stone, masonry or

Occupational signs: All industrial, commercial and mercantile signs advertising the business on its premises or any of its activities, including permanent theater signs used to advertise performances.

Pennant: Any lightweight plastic, fabric, or other material whether or not containing a message of any kind, suspended from a rope, wire, or string, usually in series, designed to move in the wind. Flags are not considered pennants for the purposes of this definition.

Pole sign: Any sign, which has the lowest part of its face, at least ten (10) feet above the ground and which is supported by a freestanding pole except as noted in section 22-17.

Portable signs: Any sign not permanently affixed to the ground or other permanent structure. Also, a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs, balloons, umbrellas used for advertising, and signs attached to or painted on vehicles parked and visible from the public right-of-way. Any sign designed to be transported, which has had its means of transportation removed (wheels, trailer, etc), shall still be considered a portable sign.

Projecting sign: Any sign projecting outwardly from the building.

Reader board: Any sign that has changeable or removable lettering, with the exception of marquee signs.

Residential subdivision identification sign: Any sign identifying the name of a residential subdivision, which may include a logo and the names of the streets within the subdivision.

Roof sign: Any sign painted, erected, constructed and maintained upon the roof of any building, including wall signs or projecting signs attached to a building wall that extend above the roof line.

Shopping center: An area containing three (3) or more shops, stores and other places of business and located in the C-1 local business district or in an approved planned development commercial district or mixed development district under the zoning ordinance, and providing off-street parking facilities in common for all businesses and their customers.

Sign: Any letter, figure, design, symbol, trademark, panel, device or structure designed or intended to convey information to the public in written or pictorial form, including without limitation, billboard, banner sign, directional sign, ground sign, monument sign, portable sign, pole sign, wall sign, roof sign, projecting sign, temporary sign, marquee, awning, canopy, time and weather information and street clock, when placed out of doors or in show display windows intended to be visible from the outside.

Sign area: The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. The total allowable area for a double faced sign, where the two (2) faces are not substantially parallel, shall be equal to the allowable area for a single faced sign.

Structural trim: The molding, battens, cappings, nailing strips, latticing and platforms, which are attached to the sign structure.

Temporary signs: Signs which are not permanent in nature and typically are installed for a period of ninety (90) days or less.

Theater signs: Any marquee sign or free standing sign specifically used in conjunction with the operation of a theater.

Wall sign: Any sign affixed to the front, side or rear wall of any building and parallel to the face of the wall.

Window sign: Any sign that is intended to be viewed through a show display window.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4398, § 1, 2-12-13)

Sec. 22-2. - Sign commission.

- (a) *Created.* The sign commission shall be appointed by the mayor with the approval of the board of aldermen and shall consist of one (1) representative from a large business firm, one (1) representative from a small business firm and three (3) representatives from the public at large. Members shall be appointed for three (3) years each by the mayor, with the advice and consent of the board of aldermen, provided that for the members first appointed, one (1) member shall serve a one (1) year term, two (2) members shall serve a two (2) year term and two (2) members shall serve a three (3) year term. An aldermanic representative shall be appointed by the mayor for a term to coincide with the term of the mayor, and such representative shall act as a nonvoting liaison between the commission and the board of aldermen.
- (b) *Powers.* The commission shall hear all appeals of permits denied or granted by the enforcement official.
- (c) *Removal of members.* The position of any member who has failed to attend four (4) meetings within a twelve-month period shall be deemed vacant.
- (d) *Vacancies.* Vacancies shall be filled for the unexpired term of any member of the commission.
- (e) *Chairman.* The chairman of the sign commission shall be appointed by the mayor for a three-year term to coincide with the term of the mayor.
- (f) *Meetings and quorum.* Meetings of the commission shall be held on the call of the chairman and/or at such other times as the commission may determine. Three (3) members of the commission shall constitute a quorum.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4353, § 1, 5-22-12)

Sec. 22-3. - Appeals.

- (a) Any person whose application for a permit for a sign has been denied may file an appeal with, and seek a sign variance from, the sign commission. No sign variance may be granted without the approval of a minimum of three (3) of the members present. The commission may not grant a sign variance unless it finds that the granting of such a sign variance will alleviate a hardship or difficulty, that such hardship or difficulty is of such substance and magnitude as to warrant such a sign variance, that the public interest is secured and that the spirit of the sign code is observed. The commission may impose such conditions, as it deems necessary to safeguard surrounding property and to prevent a misuse of the sign variance. Any person whose request for a sign variance has been denied by the sign commission may seek a review of such denial by the board of alderman by filing a written request for review with the city clerk within fifteen (15) days of receipt of notification of denial.

from the department of public works. The same standards for granting a sign variance by the sign commission shall apply for review by the board of aldermen. Five (5) affirmative votes shall be required for the board of aldermen to approve a sign variance.

- (b) Variances shall only be granted for the size, location, and number of signs. Variances will not be granted for prohibited signs.
- (c) Any person aggrieved by the approval of any permit by the enforcement official may appeal to the sign commission when it is alleged that such permit violates any provision of the sign code. The sign commission may revoke such permit upon a finding that such sign does not comply with all of the requirements of the sign code.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-4. - Permit—Required; exemptions.

- (a) No sign shall be erected, nor the location of any existing sign changed, until the enforcement official has issued a permit.
- (b) An application for a sign permit shall be accompanied by plans and specifications. The plans and specifications must be drawn to scale and shall include the dimensions, material, and details of construction of the proposed sign, together with an accurate colored rendering of the proposed sign. A site plan of the property where the sign is to be located indicating the location of the sign must also be provided.
- (c) Before a permit can be granted for the installation of any sign, the applicant for said permit must submit evidence of an agreement signed by the owner or owners of said property granting permission to the applicant to install said sign and binding said owner or owners, their heirs and assigns irrevocably, to permit the city through its agents to enter on said real property for the purpose of removing said sign or signs as provided under the provisions of this chapter and waiving, and holding the city harmless from any damage to said real property occasioned by said sign removal.
- (d) The enforcement official may prescribe suitable regulations not inconsistent with the provisions of this section concerning the form and content of all applications for the various types of permits herein required.
- (e) The following signs are exempt from the preceding requirements contained in subsection 22-4(a)—
 - (d):
 - (1) A sign advertising the sale or lease of a lot or space on which the sign is placed. Such signs may not be illuminated signs and may not exceed eight (8) square feet in area in residential districts and thirty-two (32) square feet in nonresidential districts. Only one (1) real estate sign may be placed on the lot or premises to which it pertains, except that two (2) such signs may be placed on double frontage lots. A real estate sign shall be removed within seven (7) days after the buyer and seller are mutually bound to conclude the sale or lease of the lot or space to which the sign pertains. One (1) additional sign is permitted on residential properties, from the hours of 7:00 a.m. to 8:00 p.m., indicating the presence of an open house.
 - (2) Temporary signs not over twenty-five (25) square feet in area, for public, charitable or religious institutions, which are located on the premises of said institutions;
 - (3) One (1) construction sign per project identifying the parties involved in the construction to occur or occurring on the lot or premises on which the sign is placed. Such signs may not be illuminated signs and may not exceed sixteen (16) square feet in surface area in residential districts, or thirty-two (32) square feet in surface area in commercial districts. Such signs may

identify the owner's name, the architect or engineer for the project, the contractor or contractors for the project, the financing arrangements for the project, and the purpose for which the project is intended. No products or services may be advertised on the construction signs. One (1) construction sign may be placed on each part of the lot or on each face of the building which borders or is oriented to a public street. A construction sign shall be removed within fourteen (14) days after use commences for the project for which the sign pertains.

- (4) Memorial signs or tablets, names of buildings and date of erection when cut into any masonry surface or when constructed of bronze or other incombustible materials;
- (5) Traffic or other municipal signs, legal notices, railroad crossing signs, danger, emergency, or nonadvertising signs;
- (6) Political signs or posters announcing candidates seeking public political office and/or political and public issues, provided that such signs shall not exceed eight (8) square feet. There may be one (1) sign per candidate or issue for each yard with street frontage. Multiple signs promoting candidates for the same position shall be allowed, provided that there is no more than one (1) sign per candidate per street frontage.

When such signs promote a candidate for political office or an issue that will be voted upon at a pending election, the signs may be displayed no earlier than thirty (30) days prior to the election and no later than two (2) days after the election. When such signs are placed on city property used as a polling place, the signs are only allowed from 8:00 p.m. on the day prior to the vote until 7:00 a.m. of the day following the vote. Signs placed on city property outside of these times will be promptly removed.

- (7) Professional name plates not exceeding three (3) square feet in area;
- (8) Window signs, as provided for in section 22-15.
- (9) Occupational signs not over four (4) square feet in area (on building);
- (10) Signs erected inside a building.
- (11) Directional signs indicating the location of an open house from the hours of 7:00 a.m. to 8:00 p.m. only on the day of an open house in a residential area. Such signs shall not exceed four (4) square feet in area.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-5. - Permit fees.

- (a) No permit fees are required for the erection of signs listed in subsection 22-4(e).
- (b) Before the issuance of each required sign permit, a fee of twenty-five dollars (\$25.00) shall be paid to the city.
- (c) For each temporary sign requiring a permit, the fee shall be ten dollars (\$10.00).
- (d) The permit fees herein provided for shall cover the inspection of the location of the proposed sign and the inspection during and after construction, and all monies so collected by the enforcement official shall be deposited in the general revenue fund of the city.
- (e) The provisions of the building code and electrical code of the city shall govern the construction, alteration and maintenance of all signs.
- (f) If the sign is illuminated, an electrical permit and inspection by a county electrical inspector shall be required. A fee covering the electrical permit and inspection shall be charged as provided by the electrical code.

- (g) Fees provided for in subsections (a) through (f) of this section may be waived for charitable organizations if approved by the enforcement official.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-6. - Signs and devices prohibited.

The following signs and advertising devices are prohibited in the city:

- (1) Conflicting signs: Signs or devices, which by color, location or design resemble or conflict with traffic control signs or devices;
- (2) Exterior use of advertising devices such as: Pennants affixed on poles, wires, or ropes, streamers, wind operated devices, inflatables, search lights, flashing lights, and any other type of fluttering devices, except as provided for in section 22-22; Pennants, streamers, and/or balloons may be affixed to a residential "for sale" sign, only on the day of an open house, from 7:00 a.m. to 8:00 p.m.;
- (3) Letters or pictures in the form of advertising printed or applied directly on the wall of a building;
- (4) Reserved;
- (5) Paper posters and painted signs applied directly to the wall of a building or pole or other support, except for those properties adjacent to Grant's Trail upon approval by the sign commission as set forth in subsection 22-7(6) of this chapter;
- (6) Signs painted on the inside or outside of windows, not including etched glass;
- (7) Signs advertising an article or product not manufactured, assembled, processed, repaired or sold upon the premises upon which the sign is located, unless otherwise permitted by ordinance;
- (8) Signs advertising a service not rendered on the premises upon which the sign is located, unless otherwise permitted by ordinance;
- (9) Revolving signs of any type;
- (10) Signs in residential districts for home occupations;
- (11) Signs with more than two (2) faces;
- (12) Roof signs;
- (13) Banners, pennants or flags suspended from an awning;
- (14) Exterior banner signs, except as provided in section 22-12;
- (15) Signs placed in such a way as to create a traffic hazard; and
- (16) Portable signs, except as provided in section 22-25.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4211, § 1, 10-27-09; Ord. No. 4353, § 2, 5-22-12)

Sec. 22-7. - Signs and devices which require approval of the sign commission

The following signs and devices require approval of the sign commission prior to receiving a permit:

- (1) Box signs used as wall signs.
- (2) Signs on parking lot light standards.
- (3) Theater signs.
- (4) Signs containing flashers, animators, or mechanical movement or contrivances of any kind, exempting clocks, time and weather information. Clocks, time and weather information are a permitted sign.

- (5) Professionally painted signs on sheet metal and affixed to the wall, but limited to the rear of commercial businesses whose property is adjacent to Grant's Trail. Such signs, if approved by the sign commission, cannot exceed fifty (50) square feet in size.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4211, § 2, 10-27-09; Ord. No. 4398, § 2, 2-12-13)

Sec. 22-8. - Location of signs.

- (a) All signs must be located on the property of the business or building they advertise, unless otherwise approved by ordinance.
- (b) Setback lines are designated for pole signs in section 22-17; for ground signs in section 22-16; and for temporary signs in section 22-13.
- (c) No sign shall be located on public property other than residential subdivision identification signs provided in subsection 22-20(4). Directional signs, as described in subsection 22-4(e)(11), may also be placed in the public right-of-way.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-9. - Quantity of signs per business.

- (a) Each building occupied by one (1) business shall be allowed a maximum of two (2) signs, which may be a wall sign, a projecting sign, a ground sign or a pole sign, provided that there shall not be more than one (1) sign per type, except as detailed in subsection (b).
- (b) For a business located on a lot with multiple street or parking frontage, one (1) wall sign may be permitted on each street/parking side of the building; one (1) projecting sign may be permitted on each street/parking side of the building and one (1) pole sign or ground sign on such lot may be permitted, provided that there shall not be more than two (2) types of signs.
- (c) Where more than one (1) business has a separate exterior entrance to a building, each business shall be allowed two (2) signs, one (1) of which may be a wall sign and the other of which may be an under-canopy sign or a sign as described under section 22-18, if applicable.
- (d) Two (2) nonilluminated small-scale "store hours" signs may be lettered on the glass show window or entry door of each storefront of a business.
- (e) A canopy or awning sign may be substituted for a permitted wall sign upon determination by the sign commission of a hardship warranting such sign, provided that such sign is in compliance with all of the requirements of this chapter and such sign:
- (1) Maintain a clearance of at least thirteen (13) feet above grade where there will be vehicular traffic beneath it or maintain a clearance of ten (10) feet above grade where there will be pedestrian traffic beneath it.
 - (2) Is painted or is of the same material as the awning or canopy when the sign is applied to cloth or similar material.
 - (3) Is not internally illuminated.
- (f) The limitation as to the number of signs shall not include window signs, directional signs, or signs directly relating to the ordering area at a drive-thru restaurant.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4353, § 3, 5-22-12)

Sec. 22-10. - Letter size.

The size of letters of all signs shall be proportionate or harmonious in size to the overall area of each sign.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-11. - Seasonal signs and displays.

Decorations and displays denoting holidays, events, seasons of the year or similar occasions shall be permitted, subject to the following requirements:

- (1) No such display shall be in place for more than ninety (90) days.
- (2) No pennants or streamers shall be allowed.
- (3) A display shall not convey a commercial message, but may bear the name of a business or product.
- (4) Such sign or display shall conform with all applicable requirements of this Code.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-12. - Banner signs.

Banner signs, outside of a building, are prohibited except for the following:

- (1) Temporary promotional banners as provided in subsection 22-13(d);
- (2) Temporary banners as provided for in subsection 22-22 (special events);
- (3) Temporary banners as provided for in subsection 22-13(c) grand openings.

Banners inside buildings may be used as windows signs, as provided for in section 22-15.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-13. - Temporary signs.

- (a) Temporary ground signs advertising or announcing a future commercial or industrial development of the property on which such signs are located may be maintained subject to the provisions of this chapter, provided such signs do not exceed one hundred (100) square feet in area or remain longer than six (6) months.
- (b) Temporary ground signs shall be located so that no part of the sign projects within a five-foot setback line from the street right-of-way.
- (c) Temporary banner signs, used outside a building, relating to grand openings, under new management, or events sponsored by charitable organizations shall be allowed in addition to the quantity allowed under section 22-9, for a period of up to thirty (30) days.
- (d) Temporary banner signs, used outside a building, regarding promotional events shall be permitted at the discretion of the enforcement official. Such banner signs, if approved, shall be allowed in addition to the quantity allowed under section 22-9, for a period of up to thirty (30) days.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-14. - Wall signs.

A wall sign shall comply with the following requirements:

- (1) A wall sign shall consist of individual letters with faces and returns of complimentary colors. Such sign shall not project beyond the building for a distance of more than twelve (12) inches. If illumination is to be provided, the sign shall be internally illuminated, or backlighted, so as to prevent glare upon the street or adjacent property.

A wall sign shall be constructed of incombustible materials, except that moldings and capping may be made of wood. A wall sign shall be safely and adequately attached to the building. No wall sign shall cover the doors or windows of a building, or otherwise prevent free ingress and egress to or from any window, door or fire escape of a building.

- (3) A wall sign shall not extend downward nearer than eight (8) feet to the ground.
- (4) No wall sign shall extend above the roof line.
- (5) A building occupied by a single occupant that is not on a corner lot may have a wall sign with an area up to twenty (20) percent of the area of the front wall of the building on which the sign is to be installed. The maximum permitted sign area on any one (1) building occupied by a single user shall not exceed two hundred fifty (250) square feet.
- (6) A building occupied by a single occupant that is located on a corner lot may have one (1) wall sign on each street frontage, not exceeding the size limitations as set forth in subsection (5) of this section for each sign.
- (7) A building with multiple occupants that is not on a corner lot shall be permitted to have one (1) wall sign no greater than one hundred fifty (150) square feet, depicting the name or use of the building. In addition, each occupant who has a separate exterior business entrance may erect a wall sign which may be twenty (20) percent of the front wall area of such business, but not greater than one hundred (100) square feet. Such a wall sign may only be located on the portion of the building directly in front of the business said sign is advertising.
- (8) A building with multiple occupants that is on a corner lot shall be permitted to have one (1) wall sign no greater than one hundred fifty (150) square feet, on each street frontage, depicting the name or use of the building. In addition, each occupant who has a separate exterior business entrance located at the corner of the building may erect one (1) wall sign on each street frontage, of up to twenty (20) percent of the wall area facing the street, but not greater than one hundred (100) square feet for each sign. Such a wall sign may only be located on the portion of the building directly in front of the business said sign is advertising.
- (9) Box wall signs are not a permitted sign, but can be approved by the sign commission on a case-by-case basis.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-15. - Window signs.

All window signage shall comply with the following requirements:

- (1) Decals indicating store acceptance of charge cards or affiliations with organizations may be affixed to the window glass or door glass.
- (2) Vinyl lettering depicting the name, address, and telephone number of the business may be located on the door glass, provided that the lettering does not cover more than twenty (20) percent of the door glass within which the lettering is placed.
- (3) The total amount of window signage shall not be greater than twenty-five (25) percent of the total window area of the business when visible from Watson Road or the principal street.
- (4) For multiple occupant buildings, the preceding regulations apply to each occupant.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-16. - Ground sign.

- (a) No ground sign shall be at any point over ten (10) feet above the ground level.
- (b) Every ground sign shall be stoutly constructed and anchored in a secure and substantial manner.
- (c) The ends of all such signs shall be at least six (6) feet from any wall or fence or any obstruction, which would prevent a clear passage around.
- (d) No ground sign shall exceed seventy-five (75) square feet for each face. Not more than one (1) ground sign shall be erected on any one (1) lot or tract of land.
- (e) No ground sign when erected on a lot fronting on intersecting streets shall be erected within sixty (60) feet of the intersection of the streets.
- (f) Ground signs shall be located such that no part of the sign projects beyond a five-foot setback from the street right-of-way.
- (g) In the case of a multiple occupant building, one (1) ground sign shall be permitted depicting the name or use of the building. Such a sign may include names of the occupants of the building. No such sign shall be permitted for an individual occupant of the building.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-17. - Pole signs.

- (a) Pole signs shall not exceed one hundred (100) square feet for each face, including air space between parts of the sign situated on private property.
- (b) The maximum height of any pole sign shall be two and one-half (2½) times the largest sign face dimension but not higher than twenty-eight (28) feet. The height restriction may be waived or modified by the code official if existing signage for an adjacent business would block a proposed sign.
- (c) The pole sign shall be so located that no part of the sign projects beyond a five-foot setback line from the street right-of-way.
- (d) No pole sign shall extend downward nearer than ten (10) feet to the ground or pavement.
- (e) A pole sign shall be constructed of incombustible material.
- (f) Pole signs shall be proportioned so that the ratio of the width-to-height of the sign face does not exceed 2:1, or that the ratio of height-to-width does not exceed 1.33:1.
- (g) Double-faced pole signs shall be constructed with parallel faces having identical size and shape so that the back of a sign face is not visible.
- (h) The size of a support pole shall be proportioned and harmonious to the overall size of the sign. The support pole shall be a color compatible with the sign face and frame.
- (i) A pole sign may include an electronic message center. The size of the electronic message center shall be limited to seventy-five (75) percent of the area of the primary pole sign, not to exceed fifty (50) square feet.
- (j) Clocks and time and weather information devices shall be permitted on a pole sign with a maximum area of ten (10) square feet. These types of signs shall be permitted in addition to the above noted permitted sign area.
- (k) One (1) pole sign for each building fronting a public street, which is occupied by only one (1) occupant, shall be allowed.
- (l) In the case of a multi-occupant building, one (1) pole sign depicting the name or use of the building shall be allowed. Such a sign may include a list of the occupants of the building.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4353, § 4, 5-22-12; Ord. No. 4398, § 3, 2-12-13)

- (a) For the purpose of this provision, a shopping center shall be a center having a total leasable area of more than twenty thousand (20,000) square feet
- (b) Any shopping center may erect a monument having a maximum height of twenty-five (25) feet above grade on the property of the shopping center, which shall be so located as not to obstruct the view for exiting the shopping center, and composed of stone, masonry, plastic masonry, or such other materials as are deemed consistent with the shopping center improvements, on which individual signs may be placed in accordance with the following standards:
 - (1) Maximum total sign area of all signs: Two hundred (200) square feet. This provision may be modified by the code official and/or the sign commission to ensure that all proposed tenants are provided adequate signage.
 - (2) Minimum sign letter size: Eight (8) inches.
 - (3) The background of each sign shall be compatible with the background of all other signs on the monument.
 - (4) The total area of all of the signs located on such monument shall not exceed seventy-five (75) percent of the total area of the monument. In making such determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.
 - (5) The content of such signs shall be limited to the name of the shopping center and the name of the occupants of such shopping center.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-19. - Office building identification signs.

- (a) For the purpose of this provision, an office building shall be any building where more than fifty (50) percent of the building's leasable space is occupied for office usage.
- (b) Any building qualifying as an office building hereunder may erect a monument having a maximum height of fifteen (15) feet above grade on the property of the office building, but in no case shall the sign be higher than the roof line, and shall be so located as not to obstruct the view for exiting the office building, and composed of stone, masonry, plastic masonry, or such other materials as are deemed consistent with the office building improvements, on which individual signs may be placed in accordance with the following standards:
 - (1) Maximum total sign area of all signs: One hundred fifty (150) square feet.
 - (2) Minimum sign letter size: Eight (8) inches.
 - (3) The background of each sign shall be compatible with the background of all other signs on the monument.
 - (4) The total area of all of the signs located on such monument shall not exceed seventy-five (75) percent of the total area of the monument. In making such determination, the area of each sign shall be calculated on the basis of the total area of the background of each sign.
 - (5) The content of such signs shall be limited to the name of the office building and the name of the tenants of such office building.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-20. - Residential subdivision identification signs.

For each residential subdivision entry street, a residential subdivision identification sign may be installed by a subdivision governing body and or subdivision residents, subject to the following regulations:

- (1) *Type of sign.* Any such sign shall be a ground sign or a light pole sign, as defined in section 22-1.
- (2) *Area of sign.*
 - a. Any such ground sign shall not exceed twenty-five (25) square feet in area, excluding any supports.
 - b. Any such light pole sign shall not exceed five (5) square feet.
- (3) *Submission of plans.* The plan for any proposed residential subdivision identification sign shall be submitted to the enforcement official, who may impose such specifications, as deemed necessary, for safety purposes prior to granting approval.
- (4) *Location and placement.* Any such sign shall be located on private property. If authorization for placement on private property cannot be obtained, such sign may be located between the curb and edge of the public right-of way, the specific location of which shall be determined by the enforcement official in accordance with subsection (5) hereof and in the case of a proposed ground sign, upon the filing of a duly authorized agreement of indemnification of the city by the governing body or residents of the subdivision to protect the city against any claims arising out of the condition of the sign.
- (5) Any such sign shall not obscure the visibility or line of sight of the operator of a vehicle at the intersection at which the sign is proposed to be located.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-21. - Billboards near highways in industrially or commercially zoned areas.

Billboards shall be permitted in industrially or commercially zoned areas within six hundred sixty (660) feet of the nearest edge of the right-of-way and visible from any part of the traveled way of a highway which is a part of the interstate or primary system in this state, subject to the following regulations:

- (1) *Size.* The maximum sign area for any one (1) billboard shall be one thousand two hundred (1,200) square feet with a maximum height of thirty (30) feet above pre-existing grade and a maximum length of sixty (60) feet. Maximum size limitations shall apply to each side of a billboard.
- (2) *Lighting.*
 - a. No revolving or rotating beam or beacon of light that simulates any emergency light or device shall be permitted as part of any billboard. No flashing, intermittent, or moving light or lights will be permitted except scoreboards and other illuminated signs designating public service information, such as time, date or temperature, or similar information, will be allowed.
 - b. External lighting, such as floodlights, thin line and gooseneck reflectors are permitted, provided that the light source is directed solely upon the face of the sign and is effectively shielded so as to prevent beams or rays of light from being directed into any portion of the main traveled way of the highway or onto adjacent property, and the lights are not of such intensity so as to cause glare, impair the vision of the driver of a motor vehicle, or otherwise interfere with the driver's operation of a motor vehicle.
 - c. No sign shall be so illuminated that it interferes with the effectiveness of, or obscures, an official traffic sign, device or signal.
- (3) *Spacing.*
 - a.

On interstate highways and freeways on the federal aid primary system, no billboard shall be erected within one thousand five hundred (1,500) feet of an existing billboard on the same side of the highway.

- b. On non-freeway federal-aid primary highways, no billboard shall be erected within one hundred (100) feet of an existing sign or billboard.
 - c. No billboard shall be located in such manner as to obstruct or otherwise physically or visually interfere with the effectiveness of an official traffic sign, including directional signs, signals or devices, or obstruct or physically interfere with a motor vehicle operator's view of approaching, merging or intersecting traffic.
- (4) *Location.* To provide a safety zone and to prevent injury or property damage to residentially zoned properties resulting from billboard collapse, no portion of a billboard shall be located within two hundred fifty (250) feet of any residentially zoned property.
- (5) *Other regulations.* All other provisions of this chapter relating to the design and construction of signs and permit requirements shall apply equally to billboards authorized under this section.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-22. - Special event signage.

The following signs are permitted for a special promotional event authorized under subsection 26-188(b)(5) of the zoning code:

- (1) Pennants and streamers that are securely fastened;
- (2) Search lights;

The enforcement official must approve all proposed signage prior to the event.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-23. - Bus shelter signage.

Advertising signage shall be permitted on bus shelters within the city upon the approval of the enforcement official. The size of the sign shall be limited to twenty-four (24) square feet. A permit for each sign shall be required.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-24. - Reader board signs.

- (a) Manual reader board signs shall not be permitted for use except by churches, schools, libraries, governmental agencies, and civic organizations, except as authorized under subsection 22-17(i).
- (b) Manual reader board signs shall not exceed forty (40) square feet in area except those authorized under subsection 22-17(i). Movie theater signs require the approval of the sign commission.
- (c) Electronic message centers:
 - (1) Electronic message centers shall not exceed seventy-five (75) percent of the area of the primary sign, not to exceed fifty (50) square feet;
 - (2) All electronic message centers shall come equipped with automatic dimming technology which adjusts the sign's brightness in direct correlation with nature ambient light conditions at all times;
 - (3)

No electronic message center shall exceed a brightness level of five thousand (5,000) footcandles per square meter during daylight hours or five hundred (500) footcandles per square meter between dusk and dawn;

- (4) Prior to the issuance of any permit, the owner shall provide the city with a certification from the sign manufacturer stating that the sign is capable of complying with requirements (2) and (3) above;
- (5) Electronic message centers must be designed and equipped to immediately freeze the display in one (1) position or discontinue if a malfunction occurs;
- (6) All displays must be static with a minimum duration of five (5) seconds for text and twenty (20) seconds for images. The transition from one (1) static display to another must be instantaneous with no special effects;
- (7) No sounds can be emitted from an electronic message center;
- (8) The owner of an electronic message center shall arrange for an annual certification of the lumens showing compliance by an independent contractor and provide said certification to the City of Crestwood;
- (9) The requirements for electronic message centers are only applicable to signs installed after the effective date of this Code Section. Existing electronic message centers which were approved by the sign commission prior to the effective date of this Code section are allowed to continue to operate until such time as the sign becomes non-operational or is substantially modified.

(Ord. No. 3932, § 2, 9-27-05; Ord. No. 4398, §§ 4—6, 2-12-13)

Sec. 22-25. - Portable signs.

- (a) Portable signs are prohibited except that vehicles that are used in the normal day-to-day operation of the business may have a sign attached or painted on such vehicle identifying the name, address and type of business.
- (b) A business may park up to two (2) vehicles of the light delivery type (rated less than one (1) ton manufacturers rated hauling capacity) containing such signage in front of the business identified on the vehicle. Additional vehicles may be approved by the sign commission.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-26. - Projecting signs.

A projecting sign shall comply with the following requirements:

- (1) A projecting sign not exceeding twenty-five (25) square feet in area for each building fronting a public street shall be allowed, provided that, if a building is occupied by only one (1) user and the front wall area adjoining the public street on which the building is located exceeds five hundred (500) square feet, such building may have a projecting sign with an area equal to ten (10) percent of the area of the front wall of the building but shall not exceed two hundred fifty (250) square feet.
- (2) A building located on a corner lot may have one (1) projecting sign on each street side of the building, but not exceeding the size limitations as set forth in subsection (1) of this section for each sign.
- (3) No projecting sign shall extend more than four (4) feet six (6) inches from the building, including structural supporting or extending members attached to the building.
- (4) No projecting sign shall project nearer to the curb line than two (2) feet

- (5) No projecting sign shall extend downward nearer than ten (10) feet to the ground or pavement.
- (6) No projecting sign shall extend above the roof line.
- (7) Every projecting sign shall be constructed of noncombustible material and braced to withstand a horizontal wind pressure of not less than thirty (30) pounds for every square foot of surface exposed and shall be securely attached to the building wall in an approved manner.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-27. - Directional signs.

Small post signs indicating the direction to a business (exit and entrance) may be erected and maintained subject to the following:

- (1) The enforcement official shall investigate and make a determination that the sign will serve a public purpose.
- (2) Such sign shall not exceed eight (8) square feet in area and shall be installed in a manner and at a height so as not to interfere with the ordinary and lawful use of the street. Such sign may include the corporate logo of the business.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-28. - Marquees; marquee signs.

- (a) Marquees and marquee signs may extend to a point two (2) feet back of the curb line, but no such marquee or marquee sign shall extend downward nearer than eleven (11) feet above the level of the sidewalk at its lowest level.
- (b) An illuminated sign which may be placed on a marquee which may extend the entire length and width of the marquee, provided such sign does not extend more than nine (9) feet above nor one (1) foot below such marquee, but under no circumstances shall the sign or signs have a vertical height greater than nine (9) feet.
- (c) No additional sign shall be attached to a marquee.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-29. - Under canopy signs.

- (a) Any under canopy sign bearing only the name of the business to which the sign is attached and which sign does not exceed four (4) square feet in area shall be allowed.
- (b) No under canopy sign shall project horizontally beyond the canopy or nearer to the curb line than two (2) feet.
- (c) No under canopy sign shall extend downward nearer than ten (10) feet to the ground or pavement.
- (d) Every under canopy sign shall be constructed of noncombustible material and shall be securely attached to the canopy in an approved manner.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-30. - Lights; reflectors.

Gooseneck reflectors and lights are permitted on ground signs and wall signs if the reflectors are provided with proper glass lenses concentrating the illumination upon the area of the sign so as to prevent glare upon the street or adjacent property.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-31. - Obstructing signs.

No sign shall be erected or maintained so as to prevent free ingress to or egress from any door, window or fire escape. No sign of any kind shall be attached to a standpipe or fire escape.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-32. - Obscene matter.

It shall be unlawful for any person to display upon any sign or other advertising structure any obscene, indecent or immoral matter, as defined in RSMo 573.010.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-33. - Maintenance.

All signs shall be maintained in good repair, free of rust, peeling, flaking, fading, broken or cracked surfaces and broken or missing letters. Every supporting structure shall be kept in an upright condition.

(Ord. No. 3932, § 2, 9-27-05)

Sec. 22-34. - Removal.

- (a) The following signs are subject to removal in accordance with the procedures hereof:
- (1) Signs which are found to be unsafe and capable of creating a hazard to persons or property;
 - (2) Signs which are prohibited under section 22-6 hereof;
 - (3) Signs which are erected without a permit, if required under the sign code;
 - (4) Signs for which required fees have not been paid.
 - (5) Signs that are not maintained in accordance with the requirements of this Code.
- (b) The enforcement official shall give written notice to the owner or the managing agent of the property on which any such sign is located, directing its removal within seven (7) days and informing such owner or managing agent that, if the sign is not removed within such designated period, the enforcement official shall cause it to be removed and the costs charged as a special tax bill. If the sign is not timely removed, the enforcement official shall cause the same to be removed and certify the costs to the city clerk. The city clerk shall issue a special tax bill therefore against the property, which shall be a first lien on the property from the date of issuance until paid and shall be prima facie evidence of the recitals therein and of its validity. No clerical error or informality in such tax bill, or in the proceedings leading to its issuance, shall be a defense. Any such tax bill, if not paid, shall bear interest at the rate of the prime rate plus one (1) percent.
- (c) The enforcement official is authorized to go upon any premises for the purpose of removal of any sign under the provisions hereof. Signs so removed shall be retained by the city for a period of thirty (30) days and, if payment of all expenses of the city in connection with such removal are paid within such period, shall be returned to the owner. If not so claimed within such period of time, the city may dispose of such sign in any manner, by destroying or selling same.
- (d) In addition to the procedures herein authorized, any person failing to remove any such sign, upon notification to do so, shall, upon conviction, be subject to the penalties provided for violation of city ordinances.

(Ord. No. 3932, § 2, 9-27-05)

Footnotes:

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Editor's note—Ord. No. 3963, § 1, adopted Jan. 24, 2006, repealed the former Ch. 23, and enacted a new Ch. 23 as set out herein. The former Ch. 23 pertained to similar subject matter. Formerly, Ord. No. 3686, § 1, adopted Sept. 25, 2001, repealed former Ch. 23 of this Code in its entirety, and added new provisions as Ch. 23 as herein set out. Former Ch. 23, §§ 23-1—23-12, pertained to similar subject matter and derived from Code 1965, §§ 13.01—13.11; Ord. No. 1522, adopted Aug. 27, 1974; Ord. No. 1609, § 1, adopted May 11, 1976; Ord. No. 1734, §§ 1, 2, adopted May 8, 1979; Ord. No. 1770, §§ 1, 2, adopted Jan. 22, 1980; Ord. No. 1816, § 1, adopted Mar. 24, 1981; Ord. No. 2079, § 1, adopted Oct. 28, 1986; Ord. No. 3106, § 1, adopted Apr. 11, 1989; Ord. No. 3219, § 1, adopted May 26, 1992; and Ord. No. 3221, § 1, adopted June 9, 1992.

Cross reference— Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9; health, Ch. 12; parks and recreation, Ch. 17; sewers, Ch. 21; throwing debris on street, § 14-19; waste material, nuisance, § 16-49.

State Law reference— Garbage and refuse collection and disposal, RSMo 71.680; environmental control, RSMo Ch. 260.

Sec. 23-1. - Definitions.

For the purpose of this chapter, the following terms shall be deemed to have the meaning indicated below:

Approved incinerator: An incinerator which complies with all current regulations of the Missouri Air Conservation Commission.

State Law reference— Air conservation, RSMO Ch. 203.

Bulky waste: Household waste materials which will not fit in containers as defined in this chapter, but which are capable of being carried to the curbside by two (2) persons.

Collection: Removal and transportation of any waste from its place of storage to its place of processing or disposal.

Commercial waste: Solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities with more than one (1) dwelling unit.

Containers: Any receptacle for storage, transportation and/or disposal of any waste materials as set forth herein, including household service carts and dumpsters. Containers shall be of such material, design, strength, size, capacity and weight as established by the director of public works.

Contractor: The privately operated firm contracted with by the city to provide the collection of waste materials as set forth in this chapter.

Curbside recycling: Collection and disposal of recyclable materials.

Demolition and construction waste: Waste materials from the construction or destruction of residential, industrial or commercial structures.

Demolition and construction waste containers: Containers exceeding a capacity of one hundred (100) gallons used primarily for storage, transportation and/or disposal of demolition and construction waste.

Director: The director of the solid waste program of the city shall mean the director of public works or his designee.

Disabled pickup: Residential disposal service for persons with disabilities.

Dwelling unit: Any room or group of rooms located within a structure, and forming a single habitable unit with facilities which are used, or are intended to be used, for living, sleeping, cooking and eating.

Garbage: Putrescible animal or vegetable wastes resulting from the handling, preparation, cooking, servicing or consumption of food.

Hazardous wastes: Includes but is not limited to pathological wastes, explosive wastes, pesticides, pesticide containers and toxic or radioactive materials.

Household service carts: Receptacles for solid waste intended primarily for household use, equipped with handles and wheels of a capacity not exceeding one hundred (100) gallons, capable of being wheeled by one (1) person and dumped into trash collection trucks by one (1) person with the use of special equipment installed upon said trucks. An "approved household service cart" shall meet the above description and, in addition thereto, be approved by the public works director and the contractor and be compatible with the equipment installed upon the authorized collector's trash collection trucks.

Large household items: Those items other than normal household trash including, but not limited to: appliances, furniture, and any other items which cannot be safely and conveniently loaded into a solid waste transportation vehicle. Specifically excluded are concrete and bricks, whole trees, and construction materials.

Occupant: Any person who, alone or jointly or severally with others, shall be in actual possession of any dwelling unit or of any other improved real property, either as the owner or as a tenant.

Person: Any individual, partnership, co-partnership, firm, company, corporation, association, joint-stock company, trust, estate, political subdivision or organization of any kind, or its legal representative, agent or assigns.

Processing: Incinerating, composting, baling, shredding, salvaging, compacting and other processes whereby solid waste characteristics are modified or solid waste quantity is reduced.

Recyclables: Those materials that are accepted as a renewable resource and are able to be collected for such purpose. A complete listing of recyclables is kept by the director of public works.

Recycling containers: A durable container provided by the contractor suitable for curbside recycling pickup, or at the option of a resident, a container approved by the director of public works.

Residential waste: Solid waste resulting from domestic activities and the maintenance and operation of dwelling units, excluding multiple housing facilities with more than one (1) dwelling unit.

Solid waste: All semi-solid and solid waste derived from and during the procurement, storage, processing, cooking, and consumption of food materials of animal, vegetable or synthetic origin, which are intended for and are used by residents, for the refreshment or sustenance of human beings or animals. Solid waste shall not include dead animals, animal parts, household hazardous waste such as wet paint, pesticides, strong clean air agents, tires, auto batteries, and combustibles of all kinds. Solid waste shall not include ashes stored in ash pits, parts of trees, bushes, and soil, mortar, plaster, concrete, bricks, stone,

gravel, sand and all waste or leftover materials resulting from grading, excavation, construction, alteration, repair or wrecking of buildings, structures, walls, roofs, roads, streets, walks or other facilities and such items of rubbish whose weight, size, dimension, and shape require more than one man for removal.

Solid waste disposal: The process of discarding or getting rid of unwanted waste materials. In particular the final deposition of solid waste by man.

Storage: Keeping, maintaining or storing solid waste from the time of its production until the time of its collection.

Tires and lead-acid batteries: Automobile and vehicle tires and batteries.

White goods: Household metal goods such as appliances and water heaters, stoves and dishwashers.

Yard waste: Grass clippings, leaves, vines, hedges and shrub trimmings, tree trimmings, and tree limbs. Yard waste does not include dirt or rocks.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3884, § 1, 1-25-05; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-2. - Violations.

Any person violating any of the provisions of this chapter, or any lawful rules or regulations promulgated pursuant hereto, shall be guilty of an offense.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-3. - Storage.

- (a) The occupant of every dwelling unit and of every institutional, commercial or business, industrial or agricultural establishment producing solid waste within the corporate limits of the city, shall provide sufficient and adequate containers for the storage of all solid waste, except bulky waste and demolition and construction waste, to serve each such dwelling unit and/or establishment, and to maintain such solid waste containers at all times in good repair.
- (b) The occupant of every dwelling unit and of every institutional, commercial, industrial, agricultural or business establishment shall place all solid waste to be collected in proper solid waste containers, except as otherwise provided herein, and shall maintain the area surrounding the containers in a clean, neat and sanitary condition at all times.
- (c) All containers shall be leak proof, waterproof, and fitted with a fly-tight lid and shall be properly covered at all times except when depositing waste therein or removing the contents thereof. The containers shall have handles, bails or other suitable lifting devices or features. Except while permitted to be located at the curb, all containers shall be located only behind the front of a building on the parcel.
- (e) Commercial solid waste shall be stored in solid waste dumpsters as approved by the director of public works.
- (f) Yard wastes, with the exception of "limbs" as referenced in subsection (g) below, shall be stored in containers so constructed and maintained as to prevent the dispersal of wastes placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way.
- (g) Tree limbs less than four (4) inches in diameter and brush shall be securely tied in bundles not larger than sixty (60) inches long and eighteen (18) inches in diameter when not placed in containers.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-4. - Collection.

The city will provide for the collection of solid waste, in accordance with the regulations, terms and conditions as established by the city, approved by the board of aldermen and implemented by the director of public works. The following regulations, terms and conditions apply to collection of solid waste in the city:

- (a) *Residential solid waste, bulky waste and recyclables.* The city will provide for the collection of all residential solid waste, bulky waste and recyclables in the city, and provide the collection service by contracting with a privately operated firm. There shall be one (1) solid waste collector for all waste areas. Solid waste service is mandatory for all residential properties. Payment of any fees associated with this service as provided under the city's solid waste collection contract shall be the sole responsibility of the property owner. Residential solid waste, bulky waste and recyclables shall be collected at least once a week, on the same day at the front curb line. Collection of the city's residential solid waste, bulky waste and recyclables shall be accomplished in four (4) days each week, excluding Sunday. There shall be no limit to the amount of residential solid waste or recyclables set out for collection on a weekly basis. Bulky waste shall be collected on an "on call" basis and will be subject to an additional charge. Materials collected for recycling at the curb shall include those materials as established by the director of public works for inclusion in the collection service contract. All spillage of waste at any stage of the collection and transportation operation shall be immediately and completely removed by the contractor.
- (b) *Yard waste.* Collection of unlimited yard waste will be made at the front curb line on the day as agreed to between the city and contractor, which may or may not be the same day as residential solid waste, bulky waste and recyclables. The frequency of yard waste collection shall be established by the director of public works for inclusion in the collection service contract. All yard waste, with the exception of bundled brush and tree limbs, is to be collected in approved containers. Brush and tree limbs are to be tied into bundles no longer than four (4) feet in length and having a diameter no greater than eighteen (18) inches. Limbs and bundles must be of a weight to be carried easily and safely by one (1) man.
- (c) *Special pickup.* This collection and disposal, on request, includes large household items, bulky waste and white goods as indicated in the definitions. Automobile tires and lead acid batteries are not to be picked up as a part of the solid waste services provided under the contracted services.
- (d) *Disabled pickup.* Residential disposal service will be provided for persons with disabilities in a manner as directed by the public works director.
- (e) *Senior citizen/disabled residents program.* Residents sixty (60) years of age or older, or disabled, with a taxable income not exceeding eighty (80) percent of area median income as it appears on the most recent IRS Form 1040 or 1040A or 1040EZ are eligible for this program. Persons participating in the program shall receive residential waste pickup on a per bag basis. They shall also be entitled to receive yard waste and recycling collections. Such bags for the residential waste shall be purchased from the contractor at the Crestwood Government Center.
- (f) *Limitations.* All solid waste collected shall, upon being loaded into collection equipment, become the property of the collecting agency.
- (g)

Location of containers, bundles. Tree limbs and yard waste, as described in subsection 23-3(e) and (f) respectively, shall be placed at the curb for collection. Containers as required by this chapter for the storage of other solid waste shall be placed at the curb for collection. Any containers, tree limbs, yard waste or other solid waste permitted by this chapter to be placed at the curb for collection shall not be left at the curb any time other than from 4:30 p.m. the evening before the scheduled pickup to 8:00 p.m. the evening of the scheduled pickup.

- (h) *Entry upon private property.* Collection vehicles shall not enter upon private property, except private streets, nor shall driveway aprons or sidewalks be used to facilitate a turn around. Facilities damaged by the collector shall be replaced promptly with like facilities by the contractor at his sole expense. Solid waste collectors shall not enter dwelling units or other residential buildings for the purpose of collecting residential solid waste. Commercial solid waste may be removed from within commercial establishments upon the written request of the owner and approval by the director.
- (i) *Schedule for pickups.* No collection shall occur on New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Collection shall occur on the first Wednesday following the holiday should the holiday fall on a Monday or Tuesday or on the first Saturday following the holiday should the holiday fall on a Thursday or Friday. No collections shall be made on Sundays. All collections shall occur between the hours of 7:00 a.m. and 6:00 p.m. Variations from the published collection schedule shall receive prior approval by the director of public works. Upon receiving prior city approval, the contractor shall be responsible for direct mailing to each residential unit notifying them of any changes in collection days due to a holiday at least one (1) week prior to the affected collection day. The collectors and truck operators shall exercise care to keep noise at a minimum, particularly during early morning hours. No waste shall be transported in the loading hoppers of trucks. The contractor shall establish regular routes and a schedule of collection days for each collection point. Said schedules and routing and any changes thereto shall be approved by the director of public works. It will be the contractor's responsibility to provide notification to all affected residences of any approved changes to currently scheduled pickup days.
- (j) *Commercial container access.* Residential solid waste containers shall be stored upon the residential premises. Commercial solid waste containers shall be stored upon private property, unless the owners shall have been granted written permission from the city to use public property for such purposes. The storage site shall be well drained and fully accessible to collection equipment, public health personnel and fire inspection personnel.
- (k) *Non-approved containers.* Containers that are not approved will be collected together with their contents and disposed of.
- (l) *Collection vehicles.* All collection vehicles shall be maintained in a safe, clean and sanitary condition and shall be constructed, maintained and operated as to prevent spillage of solid waste therefrom. All compactor type vehicles to be used for collection of solid waste shall be constructed with watertight bodies and with covers which shall be an integral part of the vehicle or shall be a separate cover of suitable material with fasteners designed to secure all sides of the cover to the vehicle and shall be secured whenever the vehicle is transporting solid waste, or, as an alternate, the entire bodies thereof shall be enclosed, with only loading hoppers exposed. No solid waste shall be transported in the loading hoppers. All collection vehicles shall carry evidence of a current State of Missouri safety inspection. The gross axle weight of the solid waste disposal

vehicles shall not exceed fifteen (15) tons. The gross vehicle weight of the vehicles shall not exceed thirty (30) tons for single axle trucks and forty-five (45) tons for tandem axle trucks. No loaded or unloaded trucks will be allowed to be parked in the city overnight.

- (m) *Material from excavations.* Permits shall not be required for the removal, hauling, or disposal of earth and rock material from grading or excavation activities. However, all such material shall be conveyed in tight vehicles, trucks or receptacles, so constructed and maintained that none of the material being transported shall spill upon the public rights-of-way.
- (n) *Demolition and construction wastes.* Demolition and construction wastes shall be transported and disposed of upon approval of the director. The director shall establish the procedure for the transporting and disposing of demolition and construction wastes.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3843, § 1, 6-8-04; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-5. - Disposal.

- (a) Solid wastes shall be disposed of at a processing facility or disposal area approved by and complying with all requirements of the Missouri Department of Natural Resources, the Illinois Environmental Protection Agency, or other regulating agency with jurisdiction over disposal of solid waste.
- (b) The director may classify certain wastes as hazardous wastes which will require special handling and shall be disposed of only in a manner acceptable to the director and which will meet all local, state and federal regulations.

(Ord. No. 3963, § 1, 1-24-06)

State Law reference— Division of health, RSMo Ch. 192; hazardous waste management, RSMo 260.350 et seq.

Sec. 23-6. - Insurance and bond requirements.

- (a) *Performance bond.* The contractor shall post and maintain during the term of any contract, at his own expense, a surety bond equal in amount to one-fourth ($\frac{1}{4}$) of the current year contract price. The performance bond shall remain in effect for the term of the contract and shall be delivered upon contract execution. A new performance bond shall be delivered to the city at least thirty (30) days prior to the expiration date of an existing bond. The form of bond and the bonding company shall be subject to approval of the city attorney. Said bond shall indemnify the city against the contractor's failure or inability to comply with the terms of the contract and the manner and method of said performance.
- (b) *Worker's compensation insurance.* The contractor shall obtain and maintain in force during the term of the contract, at his own expense, worker's compensation insurance in amounts as prescribed by the Statutes of Missouri.
- (c) *Liability insurance.* The contractor shall obtain and maintain in force during the term of the contract, at his own expense, for all vehicles, equipment and personnel used in the work covered by the contract, whether used and employed by the contractor, general liability and property damage insurance in sums not less than five million dollars (\$5,000,000.00) per accident or occurrence. Said insurance shall specifically name the City of Crestwood as an additional insured party under said policies, and said insurance shall be carried by a firm or corporation which has been duly licensed or permitted to write insurance in the State of Missouri. A verified copy of such insurance policy or policies, which shall be approved by the city attorney, shall be filed in the office of the city clerk with the certificate of the

insurer that the policy is in full force and effect and that said policy will not be altered, amended or terminated without thirty (30) days prior written notice having been given to the City of Crestwood - Director of Public Works.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-7. - Rules and regulations; billing.

The director may make, amend, revoke and enforce reasonable and necessary rules and regulations with the approval of the city administrator, governing the storage, collection and disposal of solid waste hereunder, including, but not limited to:

- (a) Preparation, drainage and wrapping of garbage deposited in containers;
- (b) Specifications for containers, including the type, composition, equipment, size and shape thereof;
- (c) Identification of containers and of the covers thereof, and of equipment thereto appertaining, if any;
- (d) Weight limitations on the combined weight of containers and the contents thereof, and weight and size limitations on bundles waste of too large for containers;
- (e) Storage of waste in containers;
- (f) Sanitation, maintenance and replacement of containers;
- (g) Schedules of and routes for collection of waste;
- (h) Collection points of waste containers;
- (i) Collection and disposal of waste;
- (j) Processing facilities and fees for the use thereof;
- (k) Disposal facilities and fees for the use thereof;
- (l) Records of quantity and type of wastes received at processing and/or disposal facilities;
- (m) Handling of special wastes and recyclables such as toxic wastes, sludges, ashes, agriculture, construction, bulky items, tires, automobiles, oils greases, etc.

A copy of any and all rules and regulations made and promulgated under the provisions hereof shall be filed in the office of the city clerk.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-8. - Business, commercial and industrial establishment containers.

(a) For the purposes of this section the following definitions are hereby adopted:

Business, commercial and industrial establishments. In addition to the usual and ordinary meaning, shall include the owners and managers of office buildings, medical centers and other buildings where the refuse and waste of all or some occupants of the buildings is collected for deposit in a refuse and waste receptacle.

Dumpsters. Heavy gauge metal containers for the deposit of refuse and waste, so designed that they may be lifted by power-operated forks for emptying into a vehicle hauling refuse and waste from the premises.

Refuse and waste: All matter which is discarded and placed in waste receptacles by business, commercial and industrial establishments as herein defined, for removal from the premises.

- (b) All business, commercial and industrial establishments, as herein defined, shall use dumpsters for the deposit of refuse and waste, and they shall be of sufficient size and number to receive all the refuse and waste from the premises they serve.
- (c) No other type of receptacle shall be used by business, commercial and industrial establishments for the deposit of refuse and waste without the approval of the director of public works.
- (d) The director of public works shall give notice to all business, commercial and industrial establishments in the city not now using dumpsters to obtain and use them within thirty (30) days after such notice.
- (e) The director of public works shall adopt regulations governing maintenance and inspection of dumpsters to the end that the scattering and spilling of refuse and waste shall be eliminated as herein provided.
- (f) All persons owning, using or servicing dumpsters in the city shall comply with all regulations of the director of public works adopted pursuant hereto.
- (g) All spillage from dumpsters shall be immediately gathered and put into the hauling trucks or back into the dumpsters.
- (h) All dumpsters shall be kept in good condition and repair, with all door and lids closed except when opened for depositing refuse and waste or when being emptied.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-9. - Prohibited acts.

It shall be unlawful for any person to:

- (a) Deposit solid waste as defined herein in any container other than his own, without the written consent of the owner of such container and/or with the intent of avoiding payment of the service charge provided in this chapter for collection and disposal;
- (b) Interfere in any manner with solid waste collection equipment or with solid waste collectors in the lawful performance of their duties as such, whether such equipment or collectors shall be those of the city or those of a contractor operating under contract with the city;
- (c) Burn solid waste unless an approved incinerator is provided or unless a permit has been obtained from the appropriate air pollution control agency;
- (d) Dispose of solid waste at any facility or location which is not approved by MDNR, IEPA or other agency having jurisdiction over disposal of solid waste;
- (e) Engage in the business of collecting, transporting, processing or disposing of solid waste within the corporate limits of the city without a contract from the city;
- (f) Dispose of any solid waste hereunder, in any manner other than by depositing it in approved containers for pickup by the collector or by placing approved materials in a compost pile on the property owned and occupied by the person disposing of same;
- (g) Dispose of solid waste generated offsite or at another property.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Cross reference— Fire prevention and protection, Ch. 9.

Sec. 23-10. - Service charges.

- (a) The contractor is responsible for the billing and collection of fees for services rendered to each household to which it provides services in the city. All billing will be at the beginning of the quarter for services to be provided for that quarter. Billing shall be on a quarterly basis. The contractor shall provide a list of all units being billed, as requested by the city. The quarterly bill sent to residents shall only show a total cost for waste disposal and shall not be itemized for each particular service (i.e., trash, curbside recycling, yard waste, etc.).
- (b) The service charge and fee for collection of solid waste shall be obtained under the guidelines established in the city's purchasing policy and approved by the board of aldermen, and assessed accordingly.
- (c) The system of services established by the provisions of this chapter is designed as an integral part of the city's program of health and sanitation, to be operated as an adjunct to the city's system for providing potable water and the city's system of providing sewage disposal. The city may, at its option, enforce collection of such charges by bringing proper legal action against the owner of any premises which have received such services, to recover any sums due for such services including but not limited to costs, fees, interest, court costs, attorney's fees and expenses.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-11. - Complaints and reports.

All residents or citizen complaints shall be directed to and received by the contractor and each shall be resolved as soon as practicable under the circumstances. The contractor shall periodically (but not less than monthly) supply the director of public works copies of all complaints received from residents/citizens who reside within the city on a form approved by the city and indicate the disposition by the contractor for each complaint. The form shall indicate the day and the hour on which the complaint was received and the day and the hour on which it was resolved.

The collection supervisor shall contact the director of public works, or a designated representative, each day, or more frequently as directed, of collection to obtain reports received directly by the city of misses or improper collections and to report resident violations of the collection regulations.

The contractor shall submit monthly reports to the city which state the number of households served, the number of households participating in the city's curbside recycling program (based on accurate counts by the contractor), the total volume of refuse and yard waste collected, and certified monthly records of total net tons of mixed recyclables collected within the city by the fifth working day of the following month.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-12. - Penalties.

In the event that the contractor shall fail or refuse to perform his duties and obligations under the contract, or shall become insolvent or shall become the subject of a proceeding in bankruptcy (including any proceeding under Chapter 11 of the Bankruptcy Act), or shall become the subject of any proceeding for the appointment of a receiver, or in the event of an assignment of assets by the contractor for the benefit of its creditors, or the taking of the contractor's trucks, equipment vehicles or other facilities used in connection with the performance of the work hereunder or any execution against the contractor, in such events, the city may, at its option, declare the contractor to be in breach of its contract. The remedies available to the city hereunder shall include, but not be limited to, collection on the performance bond

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-13. - Composting.

(a) The term "composting" means a controlled biological reduction of organic wastes to humus.

(b) Any person maintaining a compost pile shall comply with the following regulations:

- (1) All compost piles shall be maintained using approved composting procedures to comply with the following requirements:
 - a. All compost piles shall be enclosed in a free-standing compost bin. Each compost bin shall be no larger in volume than one hundred twenty-five (125) cubic feet for properties ten thousand (10,000) square feet and less in size, with an additional one hundred twenty-five (125) cubic feet permitted for each additional ten thousand (10,000) square feet of area. Compost bins shall be no taller than four (4) feet. Compost bins shall consist of new materials and shall be constructed and maintained in a good and workmanlike manner.
 - b. All compost piles shall be maintained so as to prevent the attraction or harborage of rodents and pests. The presence of rodents in or near a compost pile shall be cause for the city to issue a complaint for violation of this provision.
 - c. All compost piles shall be maintained so as to prevent unpleasant, rotten-egg like, putrefactive, sweet, sour or pungent odors.
 - d. Unless written permission has been granted by the then current adjoining property owner, no compost pile shall be located less than three (3) feet from the rear or side property line, or within twenty (20) feet of any home, patio, pool or similar structure on the adjacent property. All compost piles shall be at least three (3) feet behind the front building setback line.
 - e. No compost pile shall be located where it will impede the natural free flow of storm water drainage.

(2) [Reserved.]

(c) *Ingredients:*

(1) No compost pile shall contain any of the following:

- a. Lake weeds.
- b. Fish, fowl, meat or other animal products.
- c. Animal carcasses.
- d. Items not normally composted.

(2) Permitted ingredients may include:

- a. Yard waste.
- b. Commercial compost additives.
- c. Wood chips.

(d) Compost piles are for private use only. There shall be no commercial provision of material to be composted or commercial use of the product of such composting.

(e) Subsection (b)(1)b, c and e, and subsections (c) and (d) hereof, shall apply to existing compost piles. All existing compost piles shall be brought into compliance with the provisions of subsection (b)(1)a and d not later than December 31, 2001.

(Ord. No. 3686, § 1, 9-25-01; Ord. No. 3963, § 1, 1-24-06)

Sec. 23-14. - Demolition and construction waste.

- (a) Demolition and construction waste containers are permitted in all zoning districts for a period not to exceed seven (7) days. Should a demolition and construction waste container be required for a period exceeding seven (7) days, a permit must be obtained from the director of public works. Permits will be granted based upon the necessity of the demolition and construction waste container for a period not to exceed what would reasonably be expected to complete the work requiring the demolition and construction waste container. The director of public works reserves the right to specify the location of a demolition and construction waste container as part of the permit.
- (b) Demolition and construction waste containers must be located on an asphalt or concrete surface and may not be located in a public street or right-of-way. This requirement may be waived by the director of public works.
- (c) Off-site waste may not be transported to any demolition and construction waste container located within the city.
- (d) The demolition and construction waste containers shall be leakproof, odor-free, and maintained in a manner satisfactory to the director of public works.
- (e) Demolition and construction waste containers shall be emptied as necessary, or within seventy-two (72) hours of notification from the city, and the waste shall be deposited at an appropriate facility.
- (f) No person shall store in or place demolition or construction waste in a container which is full. A demolition and construction waste container is full if no more waste can be added to it without making it unsafe or illegal to transport, if additional waste could be dispersed from the container by wind or gravity, or if deemed full by the director of public works.
- (g) A demolition and construction waste container shall not be stored in a flood plain.
- (h) Any person or entity violating any provision of this section is guilty of a public offense, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Every day that this section is violated shall constitute a separate offense. The violation of any provision of this section is hereby deemed to be grounds for revocation of the permit issued hereunder.

(Ord. No. 3884, § 2, 1-25-05; Ord. No. 3963, § 1, 1-24-06)

Chapter 24 - STREETS AND SIDEWALKS^[1]

Footnotes:

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Cross reference— *Administration, Ch. 2; buildings and building regulations, Ch. 7; flood damage control, Ch. 10; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; parks and recreation, Ch. 17; planning and development, Ch. 19; sewers, Ch. 21; signs, Ch. 22; subdivisions, Ch. 26; bonds for public works contracts, § 2-4; department of public works, § 2-60; public works board, § 2-61; road and bridge tax refund, § 2-111; posting excavation permit numbers, § 7-8; driveways, § 7-11; grading and excavating, § 7-81 et seq.; night work on streets, § 13-38.*

State Law reference— *Public works and special assessments, RSMo, Ch. 88.*

ARTICLE I. - IN GENERAL

Sec. 24-1. - Street widths.

The following standards shall be observed by the public works department, developers and subdividers, and by the planning and zoning commission, in the approval of subdivision plats: All street pavements in the city constructed after May 15, 1956, shall be thirty (30) feet wide unless, after a hearing

and consideration of all the facts, the board of aldermen determines that a pavement less than thirty (30) feet wide will be sufficient to handle the traffic in a satisfactory manner; in which event, a special permit authorizing a pavement less than thirty (30) feet wide may be granted by the board of aldermen.

(Ord. No. 302, §§ 1—3, 5-15-56; Code 1965, § 9.21)

Sec. 24-2. - Street construction—Standards.

- (a) *Generally.* All public streets, sidewalks, curbs, alleys and ways in the city shall be constructed according to standard specifications to be prepared by the director of public works, conforming as nearly as possible to the specifications used by the county.
- (b) *Driveways; culverts.* Driveway entrances extending into the right-of-way of a public street, alley or way or crossing any sidewalk or requiring a curb cut or the location and installation of a culvert in or adjacent to the right-of-way must be built according to plans and specifications to be approved by the director of public works.
- (c) *Private streets.*
 - (1) Private streets and sidewalks which are constructed and surfaced by the property owners preliminary to the dedication of the streets as public thoroughfares shall be built to the same specifications as required in the case of public streets and sidewalks.
 - (2) Private streets which must be used by the police and fire departments of the city must be maintained so as not to constitute a threat of injury to city personnel or damage to city equipment. When in the opinion of the director of public works a private street constitutes such a threat to city personnel or city equipment, the director of public works shall give the owners of said private street one (1) month's notice to correct said condition stating what corrective steps must be taken. If, at the end of said month, said property owners have failed to commence said repairs or have neglected or refused to make said repairs, they shall be prosecuted in a like manner as with other ordinance violators as provided in this Code.
 - (3) The director of public works, in determining what constitutes a threat to city personnel or city equipment, shall consider breaks in pavement, inadequate drainage, chuck holes, uneven surfaces varying more than four (4) inches in elevation in four (4) lineal feet of horizontal distance, and inadequate base material private roads must have an adequate base course and surface to support all city vehicles under saturated ground conditions without settlement of the road. The surface of any private street must have a minimum width of ten (10) feet with sufficient radii at intersections to permit access by city equipment without reversing directions in negotiating the turns. The director of public works may specify any additional reasonable requirements in order to protect city employees and equipment from injury and damage due to the use of said private streets.

(Code 1965, § 9.22; Ord. No. 1217, § 1, 7-28-70)

Sec. 24-3. - Same—Procedure.

- (a) *Notice to director.* No construction work, except grading, shall commence on any of the streets, sidewalks, curbs, ways, alleys or driveway entrances referred to in section 24-2, nor shall any curb on any public street be cut until at least forty-eight (48) hours' notice of intention to commence work is given to the director of public works by the owners, developers or contractors.
- (b) *Deposit.* Before any work shall commence on any such streets, sidewalks, curbs, ways, alleys or driveway entrances or before any such curb is cut, the owners, contractors or developers shall

surfacing work is to be done.

- (c) *Inspection.* The director of public works shall cause a qualified inspector to be present during the construction of such streets, sidewalks, curbs, ways, alleys or driveway entrances, and the director of public works or the inspector on the job shall have authority to condemn any material not meeting the standards specified by the director of public works. If any portion of the street fails to meet the minimum requirements in the director of public works' specifications, the director of public works or inspector on the job shall cause all work on the street or other streets in the subdivision to be stopped until the unsatisfactory conditions are remedied.
- (d) *Removal of substandard work.* If any portion of any street, sidewalk, curb, way, alley or driveway entrance is constructed contrary to the provisions of this section, in the absence of the director of public works or inspector, the latter may order the installed material removed unless the contractor, builder or developer shall cause borings and other tests at his expense, according to the requirements of the director of public works and satisfying him that the work done is in conformity with the applicable specifications.
- (e) *Contract work.* The provisions of this section shall apply to construction of streets under contract with the city itself, except that in such case the contractor shall not be required to pay the inspection fees provided for above.
- (f) *Liability.* The owner, developer and contractor shall be jointly and severally responsible for all notices required hereunder, for the payment of the inspection fees provided for and for failure to have an inspector present or for failing to comply with any lawful order of the director of public works or inspector.

(Ord. No. 444, §§ 4—7, 9, 10, 6-3-58; Code 1965; § 9.23)

Secs. 24-4—24-6. - Reserved.

Editor's note— Ord. No. 3746, § 1, adopted Sept. 10, 2002, repealed §§ 24-4—24-6 of the Code. Former §§ 24-4—24-6 pertained to excavations in streets and derived from Ord. No. 23, § 33, adopted Dec. 27, 1949; Ord. No. 41, adopted May 11, 1950; Ord. No. 161, § 1, adopted Feb. 23, 1954; Ord. No. 653, § 1, adopted March 28, 1961; and the 1965 Code, §§ 9.29—9.31.

Sec. 24-7. - Substances on streets generally.

It shall be unlawful for any person to cause or permit to be placed, thrown or to leak or spill from a vehicle or otherwise upon the pavement or surface of any street, sidewalk, alley or public place any liquid asphalt or substance, liquid or material which might thereby be calculated to endanger, impede or inconvenience the movement of vehicles or pedestrians or render the surface of such street, sidewalk, alley or public place rough or uneven.

(Ord. No. 23, § 13, 12-27-49; Code 1965, § 9.15)

Sec. 24-8. - Water on streets.

No person shall destroy, remove or interfere with the use of streets, pavements, shoulders, ditches, curbs or sidewalks, or cause or permit undue erosion of abutting, adjoining or nearby shoulders or ditches by casting upon them or in them an unnatural flow of surface or drain water.

(Ord. No. 23, § 25, 12-27-49; Code 1965, § 9.19)

Sec. 24-9. - Building materials in streets.

- (a) It shall be unlawful for any person to obstruct or occupy with building materials or equipment, dirt piles, articles or materials of any kind which prevent free passage or use by the public, more than one-half (½) of any sidewalk or more than one-third (1/3) of any public roadway, or to in any manner obstruct the free passage of water in any gutter, drain or alley with such materials or articles.
- (b) Each applicant for a building permit for the construction, alteration or repair of any building or structure before such permit is issued, shall make a deposit in cash with the city clerk/collector with respect to the proposed work to insure that all building materials and debris occupying any street, alley, sidewalk, parkway or public place in connection with the work will be safeguarded as required by this section and promptly removed, that all damages will be compensated for, the provisions of this section complied with and conditions restored equal to those existing prior to the commencement of the work. The deposit shall be refunded after full compliance herewith subject to the deductions authorized in this section and the inspection fee. The amount of the deposit shall be fifty dollars (\$50.00).
- (c) The director of public works shall cause an inspection of the location mentioned in the application for building permit before the work is commenced and after it is completed and shall open and clean out any gutter, drain, street, inlet or manhole that may become obstructed by the aforesaid building materials, debris, articles or materials of any kind and shall repair any damage to the street, alley, sidewalk, curbing, gutter, drive, parkway or public place arising out of said work and restore the same to a condition equal to that existing prior to commencement of work, provided the contractor or person responsible does not within twenty-four (24) hours after being notified remove such obstructions and make said repairs and restoration. The cost of such repairs and restoration made by the city shall be deducted from the deposit, together with an inspection fee of five dollars (\$5.00).

(Ord. No. 23, §§ 9—11, 12-27-49; Code 1965, § 9.13)

Sec. 24-10. - Obstructions on street.

- (a) No person shall deposit or permit to remain on any highway, street, alley, sidewalk, parkway or other public place, except by street use permit as provided in this chapter, any building material or equipment, rubbish, coal, debris, dirt piles, materials of any kind, chattels or property which might obstruct the free use thereof, or hinder vehicular or pedestrian traffic. In case of necessity, an obstruction may be so placed if the person so doing removes the same without unnecessary delay and if such person places lighted barricades around such obstruction in conformance with the manual of uniform traffic control devices.
- (b) Reserved.

(Code 1965, § 9.03; Ord. No. 1215, § 1, 7-28-70; Ord. No. 3376, §§ 1, 2, 9-12-95)

Sec. 24-11. - Impounding obstructing materials.

- (a) Any toys, velocipedes, tricycles or other playthings or personal property left or placed upon any public street, sidewalk, alley or other public area of any kind or description, which constitutes a hazard to pedestrians or vehicles or traffic, in the city, shall be removed and impounded by the city.
- (b) Any property has been so taken and impounded, a reasonable effort shall be made by the police department to determine the ownership thereof, and to notify the owner verbally or in writing that the property has been impounded and that it may be redeemed within thirty (30) days from the date it was taken into custody.

(Ord. No. 48, §§ 1, 2, 7-25-50; Code 1965, § 9.04)

Sec. 24-12. - Redeeming impounded materials.

- (a) The owner may redeem any property impounded under section 24-11, within a period of thirty (30) days from the date it is taken into custody, upon the payment of an impounding fee of one dollar (\$1.00) and repayment to the city for any costs it may have incurred in removing and storing the property.
- (b) In the event of the failure of the owner to redeem the property within such period of time, the chief of police, in behalf of the city, may sell the property, after at least three (3) days' notice of the time, place and the terms of the sale have been posted in at least five (5) public places in the city, to the highest and best bidder for cash, and out of the proceeds of sale there shall be turned over to the city finance officer/treasurer the impounding fee and costs of removal and storage and of the holding of the sale, if any, and the balance, if any, shall be tendered to the owner, if known. If the owner cannot be found within a period of ninety (90) days after the sale, or if the owner refuses, the funds shall be turned over to the city finance officer/treasurer for municipal purposes. The city may bid on and become the purchaser of any such property offered for sale.
- (c) If the article of property is unsaleable, the chief of police may give it away or destroy it.
- (d) If the owners of the property or articles impounded do not redeem them and it is impossible to realize the full amount of the impounding, removal and storage charges and other expenses out of the sale of the property, the owner of the property or articles shall be liable to the city for the balance remaining due to it, and such balance may be recovered in a civil action before any court of competent jurisdiction.

(Ord. No. 48, §§ 4—6, 7-25-50; Code 1965, § 9.05)

Sec. 24-13. - Railroad cars obstructing street.

- (a) It shall be unlawful for any railroad or railway company or any officer or director thereof, or for any employee of any such company, to occupy, by means of a car or cars or train of cars or locomotive or tender, for more than five (5) minutes, any public street within the city.
- (b) This section shall not apply to trains moving continuously in one (1) direction which may require more than five (5) minutes to pass a crossing, but if any such train shall stop for a period of one (1) minute or more, couplings shall be disengaged at such crossings and passage of vehicles and traffic permitted until the train is ready to proceed. The provisions of this section against blocking and obstructing streets shall apply to trains which are not actually in or upon a crossing but which are in sufficient proximity thereto that the gates across the public street are closed, and it shall be the duty of the railroad officers, directors and employees thereof to move the train, cars, locomotive or tender away from the crossing a sufficient distance to allow the gates to be opened after each five-minute period they are closed.

(Ord. No. 113, 9-23-52; Code 1965, § 9.06)

Sec. 24-14. - Regulation of objects which obstruct vision at intersections.

- (a) *Generally.* On a corner lot, no hedge, shrub, plant, tree, other growth or any object obstructing vision shall be permitted between a height of two (2) feet and ten (10) feet above the grades at the back of the curb (or edge of pavement where no curb exists) of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points thirty (30) feet from their point of intersection (or at equivalent points on private streets), provided that such sight-distance triangle may be increased by the director of public works, when deemed necessary for traffic safety.

(b)

Responsibility of owner. It shall be the responsibility of the owner of the property on which there is located any hedge, shrub, plant, tree, other growth or any object obstructing vision which does not conform with the provisions of subsection (a) of this section to remove or prune same in order to comply with such provisions.

- (c) *Authority to prune or remove.* The department of public works shall have the authority to order the pruning or removal of any hedge, shrub, plant, tree, other growth or any object obstructing vision which does not conform with the provisions of subsection (a) of this section.
 - (1) Such order shall be in writing and served upon the property owner by any of the following methods:
 - a. By personal delivery to the property owner;
 - b. By mailing a copy of the order to the owner of the property, using the most recent address of the owner as shown on the records of the office of the county assessor;
 - c. If the property owner cannot be located for service by any of the means specified above, a copy of the order shall be posted on the property.
 - (2) The order shall set out a time limit for compliance, which shall not be earlier than thirty (30) days from the date of the order; provided however that, if in the opinion of the director of public works, the condition creates a hazard which presents a danger to persons or property, said time limit may be shortened as determined to be necessary by the director of public works.
 - (3) When a property owner to whom an order is directed fails to comply within the time specified in the order, the department of public works shall cause the condition to be remedied.

(Ord. No. 3565, §§ 1—3, 6-8-99)

Sec. 24-15. - Reserved.

Editor's note— Ordinance No. 3376, § 1, adopted September 12, 1995, repealed § 24-15 in its entirety. Formerly, said section pertained to obstruction of views at intersections and derived from Ord. No. 64, adopted February 13, 1951; and § 9.08 of the 1965 Code.

Sec. 24-16. - Removal of street encroachments.

- (a) *Report of encroachment.* Whenever it shall come to the notice of the director of public works that any street, alley, sidewalk, parkway or other public place which has been dedicated or established according to law is in any manner obstructed or encroached upon, he shall present the matter to the board of aldermen and accompany such notice by a plat showing the location and extent of such obstruction and encroachment. Any such encroachment or obstruction is hereby declared to be a nuisance.
- (b) *Order to remove.* The board of aldermen upon receiving notice that such encroachment or obstruction exists may order the same removed and may instruct the city counselor to prepare a written order for the removal of same, which order shall be signed by the mayor and the city counselor, and directed to the chief of police.
- (c) *Notice to owner.* Upon receipt of any order so signed, the chief of police shall give to the record owner of the property fronting or abutting upon such encroachment or obstruction (and also to the occupant or occupants, if any are found thereon), at least five (5) days' notice in writing to the effect that if said encroachment or obstruction is not removed by the time mentioned in the notice, the same will be removed by him at the cost and expense of said owner and that a special tax bill will be issued therefor. If after diligent search and inquiry, the chief of police is unable to find the record owner of said property, he shall immediately serve such notice by publication in at least one (1) issue

of some newspaper published in the city, which notice shall be directed to all owners of said property who are known to the chief of police and shall contain a description of the property belonging to the owners who are absent or unknown.

- (d) *Removal by city.* If upon the expiration of the time mentioned in the notice, the obstruction or encroachment is not removed, the chief of police shall proceed to remove the same, and the expense of such removal shall be advanced from the general revenue fund of the city.
- (e) *Tax bill against property.* As soon as the entire expense incident to such notice and removal has been ascertained, an itemized account of the same shall be filed by the chief of police with the city clerk/collector; the entire cost thereof shall be assessed by the board of aldermen by ordinance in favor of the city and against the property fronting and abutting upon such encroachment or obstruction, pro-rata, and special tax bills shall be issued therefor by the city clerk/collector for collection in all respects as provided in case of sidewalk construction.

(Ord. No. 23, §§ 16—20, 12-27-49; Code 1965, § 9.09)

Sec. 24-17. - Damage to public property in streets.

It shall be unlawful for any person to injure or damage any sidewalk, curb, gutter, parkway, public place, tree, pole, post, light standard or fixture, sign, property or fire plug on any public street or alley, by driving a vehicle upon, against or over or by cutting, breaking or otherwise damaging the same.

(Ord. No. 23, § 22, 12-27-49; Code 1965, § 9.10)

Sec. 24-18. - Use of streets during construction.

- (a) At least twenty (20) days prior to the use of any street in the city by trucks, hauling or grading equipment or highway construction vehicles, engaged in constructing streets, highways or structures in the city or in adjacent municipalities or in that portion of the unincorporated area of the county which requires the use of the streets of the city during the course of construction, the contractor in charge shall make a written report to the director of public works of this city, specifying the kind and description of trucks or hauling or grading equipment or highway construction vehicles, and the loaded and unloaded weight of trucks and hauling equipment, and the number of each and the length of time they will be required to use the streets of this city. The contractor shall furnish the director of public works with all other information required by him to estimate or determine the amount of wear and tear or damage, if any, that may be caused to streets by such usage. Before construction actually commenced or while the work on the streets is in progress, the director of public works may require any contractor or subcontractor to post surety bond or insurance with the city to guarantee the city for compensation for any damage to streets, curbs, sidewalks or public facilities.
- (b) *Routes.* The director of public works shall, at least five (5) days before the commencement of work and usage of the streets of the city, notify the contractor of the route or routes to be used by such trucks and equipment and issue a permit for such uses; and the contractor shall be charged with the duty of seeing that the trucks or equipment use only the route or routes designated by the director of public works. In the event of any emergency requiring a change in route or routes, or if the director of public works finds or determines that any route or routes so designated are not safe or that excessive damage is being caused to any street or streets in the city by such usage, or if he finds the welfare of the city so requires, he may, upon three (3) days' notice to the contractor in writing, designate an alternate route or routes, and it shall thereupon be the duty of the contractor to see that the trucks or equipment use only the alternate route or routes so designated by the director of public works.

(Code 1965, § 9.17; Ord. No. 1022, § 1, 2-12-69)

Sec. 24-19. - Condition of streets.

- (a) *Photographs.* It shall be the duty of the director of public works, immediately prior to the time of designating the route or routes or alternate route or routes as provided in section 24-18, to examine the condition of the streets to be used and to take photographs of the streets, showing the condition of the pavement, curbs, sidewalks and other physical features, which shall be dated and a memorandum made of the location shown by each photograph. Within five (5) days after termination of the use of the streets as herein provided, it shall be the duty of the director of public works to have additional photographs made and proper descriptive matter included therewith.
- (b) *Inspection.* In addition to the taking of photographs before and after construction, the director of public works shall cause a thorough inspection to be made of the condition of the pavement of the streets designated and used under the permit, as well as the curbs and sidewalks, and shall make written reports of his findings, including with his report after termination of the work, his estimate of the cost of restoring the street to its original condition as well as any curbs or sidewalks.

(Code 1965, § 9.48; Ord. No. 1033, § 1, 2-13-68)

Sec. 24-20. - Damage to streets, etc.

At the time the director of public works designates the route or routes to be used as provided in sections 24-18 and 24-19, he shall notify the contractor that the city will hold the contractor liable for unusual wear and tear or damage to the streets, curbs and sidewalks resulting from such usage, and that acceptance of the route or routes by the contractor shall constitute an agreement on his part to pay the reasonable cost of restoring the streets, curbs and sidewalks in question to their original condition. Within thirty (30) days after termination of the contractor's usage of said route or routes under the director of public works' permit, the contractor shall negotiate with the director of public works for payment to the city of an amount sufficient to reimburse the city for the expense of restoring the streets, sidewalks and curbs to their original condition; and the director of public works, at the next meeting of the board of aldermen occurring after said thirty-day period, shall report the status of such negotiations to the board of aldermen with his recommendations. The board of aldermen shall determine whether any tentative agreement for the settlement claimed shall be accepted, and if the director of public works and the contractor are unable to reach any agreement the matter shall be referred to the city attorney for further negotiations or litigations as may be found advisable or necessary.

(Code 1965, § 9.49; Ord. No. 1033, § 1, 2-13-68)

Sec. 24-21. - Closing streets—Generally.

- (a) If during the course of construction as provided for in this chapter it shall become necessary for the completion of the work or for the safety or protection of the public to close off any street, way, alley or place of the city, the contractor in charge of the work shall notify the director of works, who shall, upon approval, issue a permit for the closing of the street for such time as may be required, and shall see that the proper barriers, warning notices and necessary traffic direction signs are posted for the protection and convenience of the public.
- (b) When any defect or obstruction exists in any street, alley, bridge, sidewalk, parkway or other public place which cannot be at once repaired, removed or corrected and which might result in injury to any person or property on or using the same, or when any street, alley, bridge, sidewalk, parkway or other public place or part thereof is out of condition for use by reason of its being under construction, reconstruction, resurfacing or repair or any other cause whatever, it shall be the duty of the director of public works to see that said street. allew. bridge. sidewalk. parkwav or public place. or part thereof

at which such defect or obstruction exists, or which is out of condition for use from any cause, shall be at once closed off by adequate barricades, and shall see that warning signs are placed on or around said barricades of sufficient size in the day time and sufficient lanterns or other lights at night to warn the public of the existence of such defect, obstruction or bad condition so as to avert injury to persons and property. The director of public works shall notify the police department of any such condition and may request the chief of police to furnish police protection if the situation shall so warrant.

(Ord. No. 23, § 4, 12-27-49; Code 1965, §§ 9.11, 9.50; Ord. No. 1033, § 1, 2-13-68)

Sec. 24-22. - Same—By director of public works.

The director of public works may close off streets, alleys, bridges, sidewalks, parkways, lawns or public places where their condition may result in injury to person or property. During the progress of work thereon, he shall erect proper barricades, warning signs and lights. He shall employ such help as may be necessary and as authorized by the board of aldermen. He shall make regular reports to the board and attend the regular meetings thereof and special meetings when requested to do so. He shall report on the work of his department, its financial condition and other matters pertaining to the performance of his duties.

(Ord. No. 42, § 9, 5-23-50; Code 1965, § 4.15)

Sec. 24-23. - Use of closed street.

It shall be unlawful for any person to use any street which has been withdrawn from use by the public or to drive or attempt to drive any vehicle thereon, or to remove or destroy any barricade, warning light or sign placed upon said street or around or upon any obstruction or defect thereon as a protection or warning to the public.

(Ord. No. 23, § 15, 12-27-49; Code 1965, § 9.12)

Sec. 24-24. - Lighting during construction.

Where construction covered by this chapter is under way adjacent to any public street which has not been closed to traffic, the contractor shall provide ample lighting and sufficient barriers and caution signs to warn the public using the enclosed street and to protect the public from injury to person or property.

Sec. 24-25. - Hours of use of streets.

- (a) The route or routes designated by the director of public works for use by trucks and heavy equipment may be used for such purposes on week days and Saturdays between the hours of 7:00 a.m. and 7:00 p.m. and at no other time; unless in case of emergency or in the interests of the general welfare of the city and its inhabitants the board of aldermen, upon proper application, grants a special permit authorizing the use of the streets by such trucks and heavy equipment at other times than as herein specified.
- (b) *Hours of construction.* Street construction of the nature described in this chapter shall commence no earlier than 7:00 a.m. and shall be discontinued no later than 7:00 p.m., unless in case of emergency a special permit is granted by the board of aldermen authorizing work between 7:00 p.m. and 7:00 a.m.
- (c) *Streets kept clean.* It is hereby made the duty of all persons operating trucks and other vehicles upon the streets of this city under the provisions of the chapter, to remove dirt and mud from the wheels of all vehicles before entering upon any public or private street of this city. It shall be unlawful for any

person to permit any vehicle to enter upon such streets with dirt or mud on the wheels which is liable to be dispersed over any public or private street, and it shall be unlawful for any driver of a vehicle to permit the vehicle he is operating to enter upon any public or private street of the city without removing, or having had removed, dirt and mud from the wheels of such vehicle prior to entry. When dirt, mud, waste material, refuse or other substance is loaded on any vehicle which operates on the streets of this city, the same shall be loaded in such manner that no portion thereof shall be spilled, or be liable to be spilled, on the streets of the city. It shall be unlawful for any person to permit any vehicle operated by him to enter upon the streets of this city loaded in violation of this chapter, and it shall be unlawful for any driver to operate a vehicle on the streets of the city which is loaded in such manner that it spills, or is liable to spill, on such streets. When necessary to prevent spillage on streets the material shall be covered by tarpaulin or other material in such manner as to effectively prevent dirt, waste, refuse, mud or other substances from being spilled, blown or knocked from the vehicle onto the streets of the city.

- (d) *Inspection of streets.* The director of public works shall inspect the streets used by persons covered by the provisions of this chapter at regular intervals, and where, after all proper precautions have been taken, the usage of the street has caused mud, dirt, waste, refuse or other substances to be spilled or deposited on the streets of this city, the director of public works shall notify the contractor or other person responsible therefor and it shall be the duty of such contractor or other person to clean the street or streets affected within twenty-four (24) hours after receipt of notice from the director of public works; and upon termination of the work requiring usage of the city street, if the streets are left in an unsatisfactory condition as a result of such usage, the contractor or other person shall sweep, clean and wash down the streets used within two (2) days after receipt of notice to do so from the director of public works.

(Code 1965, § 9.51; Ord. No. 1033, § 1, 2-13-68)

Sec. 24-26. - Street signs.

The director of public works shall erect, maintain and replace as necessary street signs at all intersections in the city in accordance with the manual on uniform traffic-control devices.

(Ord. No. 526, § 1, 6-9-59; Code 1965, § 9.20)

Sec. 24-27. - Applicable provisions of Code.

- (a) So far as applicable, all other provisions of this Code shall apply to the use of streets under the permit issued by the director of public works as provided in this article.
- (b) It shall be the duty of all contractors and other persons engaging in construction of any street, road, highway in or through the city to comply with all of the provisions of this Code.
- (c) The provisions of this chapter shall apply to all incidental work in connection with the construction of streets, such as work on nonaccess areas, parkways, overpasses, underpasses, right-of-way fences, interchanges and other facilities.

(Code 1965, § 9.52; Ord. No. 1033, § 1, 2-13-68)

Sec. 24-28. - Demolition of existing homes; filling of excavations.

Demolition of buildings, in the course of or preliminary to construction of any street or highway, shall be in compliance with the building code and conducted to protect adjacent homes and property from damage, and to minimize the hindering of the flow of traffic or pedestrian use of adjacent streets and sidewalks. If the use of adjacent streets and sidewalks is required for the demolition of any building, the

contractor shall establish adequate measures for the protection of the general public including barriers and warning lights about the area. Such use of streets or sidewalks shall be limited to as short a period of time as possible under all the circumstances. No use of any street, road or public place shall occur without a permit from the director of public works, which permit shall be revocable without cause. All excavations by demolition of building shall be filled to ground level and shall not be allowed to remain uncovered and unfilled for a period exceeding fourteen (14) days after the completion of the demolition of the above ground structure of the building.

(Code 1965, § 9.53; Ord. No. 1033, § 1, 2-13-68)

Cross reference— Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 9.

Sec. 24-29. - Right-of-way vacation procedures.

City right-of-way may be vacated by the board of aldermen through proceedings either initiated by adjacent property owners, city staff or the board of aldermen. Vacation procedures shall be in accordance with the city's policy pertaining to the vacation procedures for public streets, alleys, or easements in the City of Crestwood, as approved by the board of aldermen and as may be amended from time to time.

(Ord. No. 4011, § 1, 10-24-06)

Secs. 24-30, 24-31. - Reserved.

Editor's note— Ord. No. 4011, § 1, adopted Oct. 24, 2006, deleted the §§ 24-29—24-31, and enacted a new § 24-29 as set out herein. The former provisions pertained to vacating streets, methods, property owners' actions, city action and derived from Ord. No. 619, §§ 1—8, adopted Oct. 18, 1960; Code 1965, §§ 9.26—9.28.

Sec. 24-32. - Poles, conduits and wire lines; permit, etc.

- (a) *Generally.* No person shall erect any pole, or string any wire or lay any conduits in the streets or public places of this city, for telegraph, telephone or electric power purposes, without a permit from the director of public works or a contract with the city.
- (b) *Application; plat.* Any person desiring to permit to erect any such poles and wires shall file an application with the director of public works accompanied with a plat upon a suitable scale, showing the route of their proposed line or lines, the name of the streets to be occupied, the number of the block and the location of each pole. Upon filing of such application and plat, if the erection of such poles and wires will not interfere with the rights of the public or be contrary to the provisions of this Code, the director of public works may grant the permit.

(Ord. No. 23, §§ 49, 50, 12-27-49; Code 1965, § 9.41)

Sec. 24-33. - Alteration of poles and wires.

The board of aldermen and the chief of police, after giving five (5) days' written notice to all persons interested, shall have the right to direct any alteration in the location of poles and the height at which wires and guy wires may be run, erected or maintained in any street or public place; and if any such alteration is ordered, any person who has erected or is maintaining the poles or wires shall complete the same without unnecessary delay.

(Ord. No. 23, § 51, 12-27-49; Code 1965, § 9.42)

Sec. 24-34. - Specifications of wire lines.

All poles erected or maintained in any street or public place shall be sound, not less than thirty (30) feet in length, planted not less than five (5) feet in the ground, not less than five (5) inches in diameter at the upper end, shall be straight, shapely, of uniform size, neatly dressed and shall not be placed so as to obstruct the drainage of the streets or alleys, or to interfere with or damage the curbs, gutters, water lines, gas pipes, streets, alleys, driveways, trees or other public or private property on the line of any street or alley. Poles shall be placed between the curb and sidewalk. Wires and guy wires, tubes or cables carrying electric currents, shall be strung on such poles not less than twenty (20) feet above the surface of the ground.

(Ord. No. 23, § 52, 12-27-49; Code 1965, § 9.43)

Sec. 24-35. - Utility damage to public property.

- (a) *Trees.* No person, for the purpose of placing or maintaining wires, lines or poles, or for any other purpose connected with the construction and maintenance of telegraph, telephone or electric lines, shall climb any trees by the use of spurs or any instrument which shall pierce the tree, or in any way injure, cut, trim, deface or destroy any trees or in the branch of any tree or any shrub or plant, or fixture, or ornament, or utility, in any street or public place, or attach any crossbar or other fixture to such tree, without a written permit from the director of public works. All such work shall be done under the direction, supervision and control of the director or other person designated for that purpose.
- (b) *Restoration of pavement.* Wherever any street, alley, sidewalk, curb or gutter is disturbed or injured in the erection of any pole in any street or public place, the owner of such pole on the completion of the work shall immediately restore and repair such street, alley, sidewalk, curb or gutter to the satisfaction of the director of public works.

(Ord. No. 23, §§ 53, 54, 12-27-49; Code 1965, § 9.44)

Sec. 24-36. - Use of utility poles by other companies or city.

- (a) *Consent to use poles.* In case any person authorized to do business in this city desires to place along or across any of the streets or public places of the city, wires, tubes or cable conveying electric power, he shall file with the board of aldermen the written consent of any other telegraph or telephone company to the placing of such wires, tubes or cables upon its poles. The board of alderman, at its discretion, may authorize the director of public works to issue a permit for such occupancy of the poles with such regulations and qualifications as may be prescribed by the board.
- (b) *Right of the city to use crossarm.* Every person erecting or maintaining telephone or electrical wires, poles, tubes or cables, on the streets or public places of the city as compensation in part for the use of such streets or public places, shall, within twenty (20) days after written notice signed by the director of public works, provide and furnish free of charge space on one (1) crossarm or other appliances suitable for the purpose on each pole erected in the city for the use of the city for the city's electric wires, its fire alarm, telegraph or police signal wires. If such person refuses to furnish such space on such crossarm, his permit shall be revoked and cancelled.

(Ord. No. 23, §§ 55, 57, 12-27-49; Code 1965, § 9.45)

Cross reference— Fire prevention and protection, Ch. 9; police department, Ch. 20.

Sec. 24-37. - Posting bills on poles.

It shall be unlawful for any person to place any advertisement, bill, sign, poster or device on any public property, or on any private property, without having first obtained written permission of the owner of the private property therefor. This shall not apply to any notice required by law or ordinance to be posted, or to any official notice by public officers.

(Ord. No. 23, § 24, 12-27-49; Code 1965, § 9.18)

Sec. 24-38. - Special tax bills.

- (a) *Issuance; record.* Whenever the board of aldermen shall assess special taxes against any lot for making or repairing sidewalks and sidewalk curbing, for paving, macadamizing, curbing or guttering any street or alley or repairing the same or for any cost of expense incurred by the city for a public purpose and chargeable by tax bill, the city clerk/collector shall make out a separate special tax bill against each lot assessed showing the name of the owner, the description of the lot assessed, the date and amount of the tax bill, the purpose for which it was issued, the contractor or city in whose favor same was issued, the number of the ordinance authorizing the issuance of the bill and the rate of interest the tax bill bears. The city clerk/collector shall record each tax bill in a special book provided for that purpose and kept by him in his office. The tax bills shall be signed and certified as correct by the mayor, countersigned by the city clerk/collector and the seal of the city impressed thereon.
- (b) *Delivery.* If the work of improvement was done by contract, the tax bills when issued thereof and recorded shall be delivered to the contractor who did the work, and if the work was done by the city, the special tax bills shall be delivered to the city clerk/collector, who shall charge him therewith.
- (c) *Lien; interest.* The board of aldermen may direct suit to be brought on all unpaid tax bills due the city. All special tax bills shall be assignable and collectible in any action brought in the name of the city for the use of the holder thereof, but the city shall not in any event be liable for any cost that may accrue in such action. Such special tax bills shall, in any action thereon, be prima facie evidence of the regularity of the proceedings for such special assessment of the validity of the bill, of the doing of the work and the furnishings of the materials charged therefor and of the liability of the property to the charge stated in the bill.
- (d) *Payment.* Any person desiring to pay a special tax bill may pay the same to the city clerk/collector, who shall make out duplicate reports therefor, one (1) of which shall be delivered to the person paying the tax bill and the other shall be filed by the city clerk/collector. If the tax bill so paid is due to the city, the amount so collected shall be turned over to the city finance officer/treasurer to the credit of the general revenue fund. If the tax bill is not due the city, the city clerk/collector shall pay the amount to the owner or holder of the tax bill on presentation of the same to him.
- (e) *Satisfaction.* When any tax bill has been paid and presented to the city clerk/collector, or when the city clerk/collector has filed a copy of the duplicate payment report herein provided for, the city clerk/collector shall note on the record the satisfaction of such tax bill and the date of such satisfaction, and thereafter such tax bill shall be considered as cancelled.

(Ord. No. 23, §§ 61—65, 12-27-49; Code 1965, § 9.46)

Cross reference— Taxation, Ch. 25.

Sec. 24-39. - Residential street lighting.

- (a) *Plan.* A city-wide plan for residential street lighting is hereby established, employing the following criteria, in descending order of priority, for determining the approximate location of all future light installations:
- (1) Lights shall be located only at:
 - a. Street intersections;
 - b. Low visibility curves;
 - c. Cul-de-sacs; and
 - d. "Middle of the block" locations, where the distance between lights located by any of the above criteria is three hundred (300) feet or more.
 - (2) Areas of the city in which the safety of persons or property is threatened, the volume of vehicular traffic increases drastically or the enhancement of neighborhoods will benefit the cultural or commercial interests of the city, shall be given priority for lighting installations, in conformity with the above criteria, over less critical areas and streets.
 - (3) There shall be prepared and maintained in up-to-date form by the department of public works a city map showing by distinctive markings the exact location of existing street lighting and the approximate location of all future streetlights in conformity with the above criteria. The city map shall be maintained at the department of public works annex on Pardee Lane or such other place or places as designated by the director of public works.
- (b) *Petition; approval.* A standardized, administrative procedure for the petition and approval of new street lighting is hereby established. The procedure shall follow the following steps:
- (1) New residential street lighting shall be initiated by citizen petition or by the director of public works.
 - (2) The department of public works shall discuss with those citizens initiating a street light petition, potential locations for street lights in the area involved or, if initiated by the director of public works, shall independently determine potential locations.
 - (3) Once a potential location has been initially determined, the department of public works will meet with representatives of the power company to determine the best location of the street light. An estimate of cost will be prepared by the department of public works with input from the power company.
 - (4) Standardized petition forms, and a map showing the location of the proposed street light and influence area affected by the proposed lighting, shall be furnished by the department of public works to citizens initiating the process. The reason for desiring the lighting shall be stated on the petition form. If initiated by the director of public works, the signatures for the petition shall be obtained by the department of public works.
 - (5) No petition shall be considered unless signatures are obtained of the owners of sixty-six and two-thirds ($\frac{662}{3}$) percent of homes in the influence area affected by the proposed lighting.
 - (6) The signed petition shall be returned to the department of public works for validation. If one hundred (100) percent of the homes in the influence area are in favor of the street light(s), then the director of public works shall authorize the power company to proceed with installation of the street light(s), provided there are sufficient funds available in the budget to install the lighting. Notification of such approval shall be sent to all residents within the street light influence area.
 - (7)

In the event that at least sixty-six and two-thirds ($66\frac{2}{3}$) percent but less than one hundred (100) percent of the home(s) within the street light influence area sign the validated street light petition, then the public works board shall conduct a hearing on the petition. The hearing shall be open to the public, and all who wish to speak for or against the lighting shall be heard. At this meeting, the director of public works, or his designated representative, shall:

- a. Confirm the petition validity and conformity of the proposed location with established criteria;
 - b. Advise the board on the feasibility of installation, and recommend a preferred type of street light.
- (8) Following such hearing, the public works board shall recommend approval, approval with modifications, or denial of the lighting proposed.
 - (9) Notification of such decision shall be sent by the department of public works to all residents within the street light influence area. Such notice shall include information that such resident has the right to protest such approval or denial and seek review by the board of aldermen, by written notice to the director of public works within fourteen (14) days of receipt of the notice.
 - (10) If a protest is received within the permitted time for filing of same, it shall be forwarded to the board of aldermen. The board of aldermen shall consider the protest and make its determination as to approval or disapproval of the lighting. Notice of the meeting at which the board of aldermen will consider the matter shall be given to any party protesting as well as all other residents within the street light influence area.
 - (11) If the lighting installation is approved and there are sufficient funds available in the street lighting budget, the director of public works shall authorize the power company to proceed with the installation of the street light(s). Residents within the street light influence area shall be kept informed if delay in installation occurs for any reason.
- (c) *Limits on installations.*
- (1) Installations shall be made as funds are deemed available within the street lighting budget by the director of public works.
- (d) *Decorative streetlight areas.*
- (1) Decorative streetlight areas, in which all streetlights shall be of the Early American decorative type, may be established in accordance with the following procedures:
 - a. A petition signed by two-thirds ($2/3$) of the households of the subdivision or two-thirds ($2/3$) of the households of a neighborhood, identifying the proposed area to be so designated, shall be filed with the director of public works.
 - b. Upon determination that the requisite number of households have signed the petition, such area shall be deemed a decorative streetlight area.
 - (2) When a decorative streetlight area is established, the department of public works shall determine where such decorative lights are to be placed, in accordance with the standards set forth in section 24-39.
 - (3) All cobra lights now existing within a decorative streetlight area shall be removed and replaced with decorative lights, as funds are available for such replacements.
 - (4) The procedures set out in subsection (b) for approval of new streetlighting shall be followed with respect to any proposed new light within a decorative streetlight area.

(Ord. No. 1952, §§ 1—3, 1-24-84; Ord. No. 3133, § 1, 9-26-89; Ord. No. 3435, § 1, 11-26-96; Ord. No. 3742, §§ 1—4, 8-27-02)

State Law reference— Street lighting system, RSMo 88.770.

Sec. 24-40. - Designating crosswalks, safety zones, traffic lanes.

- (a) The director of public works with the consent of the board of aldermen is hereby authorized to establish, designate and maintain by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where there is particular danger to pedestrians crossing the roadway.
- (b) The director of public works with the consent of the board of aldermen is hereby empowered to establish safety zones of such kind and character and at such places as may be necessary for the protection of pedestrians.
- (c) The director of public works with the consent of the board of aldermen is also authorized to mark lanes or center lines for the guidance of traffic on street pavements at such places as may be advisable, consistent with the provisions of this chapter.

(Note: cf. Sec. 300.195)

(Ord. No. 20, §§ 12, 13, 12-13-49; Code 1965, § 52.16; Ord. No. 4233, § 8, 2-9-10)

State Law reference— Establishment of crosswalks and safety zones, RSMo 300.195.

Secs. 24-41—24-50. - Reserved.

ARTICLE II. - SIDEWALKS

Sec. 24-51. - Construction—Required.

- (a) *Commercial and industrial districts.* No building permit for construction in the "E" Local Business District or the "F" Commercial and Light Industrial District shall be issued, nor shall any special permit for any use in either of said districts be granted nor any change of use be approved nor any change of zoning from another district to the "E" Local Business District or the "F" Commercial and Light Industrial District be approved unless the owner or occupant shall construct sidewalks and improve parkways between the curb and property lines in conformity with the regulations, plans and specifications of the director of public works as approved by the board of aldermen, except as provided in this section.
- (b) *Residential districts.* No building permit for construction in the residential districts of the city shall be issued, nor shall any special permit for any use in said district be granted nor any change of use be approved nor any change of zoning from another district to the residential district be approved, unless the owner or occupant shall construct sidewalks and improve parkways between the curb and property lines in conformity with the regulations, plans and specifications of the director of public works as approved by the board of aldermen, except as herein provided in subsection (c).
- (c) *Deposit.* In lieu of actual construction and improvements the owner or occupant of the property may furnish bond or deposit funds in escrow guaranteeing completion of the construction of the improvements within such time, not to exceed one (1) year, as may be approved by the director of public works or the planning and zoning commission, if it has jurisdiction. The bond or escrow agreement shall be approved by the city counselor as to form.
- (d) *Condition for new construction.* This section shall be construed to require sidewalks to be installed before any building permit shall be issued to authorize new construction on unimproved land.

repair, remodeling, renovation, alteration of or construction of attached additions to existing improvement; but nothing herein shall be construed to limit the right of the city to require the construction of sidewalks at any time under the provisions of the statutes applicable to fourth class cities. All sidewalks required under this section shall be constructed on the right-of-way of adjacent public streets under the direction and inspection of the director of public works.

(Ord. No. 832, §§ 3, 4, 7-20-64; Ord. No. 835, §§ 3, 4, 8-25-64; Ord. No. 863, §§ 1—3, 1-26-65; Code 1965, § 9.25)

Cross reference— Zoning, Ch. 26.

State Law reference— Sidewalk improvements, RSMo 88.710.

Sec. 24-52. - Same—Specifications.

- (a) The director of public works is hereby authorized and directed to prepare general regulations governing the building, construction, reconstruction or repairing of sidewalks and shall prepare plans and specifications for sidewalks and parkways, which parkways shall include all the space between the curb and the building or property line, or any space in the center of a street which may be set aside as a parkway, and prescribing and requiring certain materials to be used and the manner and form of doing said work, including the kind of shade trees and shrubbery to be planted and the manner of their care and preservation. Upon completion thereof, the director of public works shall file a copy with the board of aldermen for its approval, modification or amendment by order or resolution. Upon final approval by the board of aldermen copies shall be filed with the public works department, the planning and zoning commission and the city clerk/collector. The director of public works may recommend changes, amendments or alterations from time to time which shall be effected by order or resolution of the board of aldermen. Copies of same shall be filed as hereinabove provided.
- (b) This section and section 24-51 do not limit or abridge the power or authority of the city to provide for the building and repairing and condemnation of sidewalks and the levying of special assessments therefor as authorized under the provisions of the laws of the state.

(Ord. No. 832, §§ 1, 2, 7-20-64; Code 1965, § 9.24)

State Law reference— Sidewalks, RSMo 88.710 et seq., 88.863 et seq.

Sec. 24-53. - Cleaning sidewalks.

The tenant or occupant of premises occupied by him and the owner or agent of vacant lots or the person in their control shall keep the sidewalks in front of and adjoining the property owned, controlled or occupied by him swept and clear of paper, dirt, mud, filth and animal or vegetable matter or any substance or article. After any fall of snow or sleet or the formation or ice thereon, the owner, agent, occupant or tenant shall cause the same to be immediately removed from the sidewalk. Where a building is occupied by more than one (1) tenant, it shall be the duty of the person occupying the tenement nearest the street to comply with the requirements of this section.

(Ord. No. 23, § 12, 12-27-49; Code 1965, § 9.14)

Sec. 24-54. - Goods on sidewalk.

It shall be unlawful for any person to place and display for sale upon any sidewalk any groceries, provisions, commodities, vegetables, fruit, produce, goods, wares or merchandise.

(Ord. No. 23, § 14, 12-27-49; Code 1965, § 9.16)

Sec. 24-55. - Driving across sidewalk or curb.

It shall be unlawful for any person to haul any materials or to drive any vehicle across any sidewalk, parkway, curb or gutter in the city without a permit therefor from the director of public works. No such permit shall be issued unless the applicant therefor shall make a deposit of fifty dollars (\$50.00) with the director of public works to insure that no damage shall be caused to the sidewalk, curb, gutter, parkway or to any tree, pole, sign or property thereon in connection with such hauling or driving. The director of public works shall cause an inspection of the location where such hauling is to be done and after the work is completed shall repair, restore and replace any damage or loss caused thereby. The cost therefor together with an inspection and permit fee of five dollars (\$5.00) shall be deducted from the deposit and the balance returned to the person making the deposit. The director of public works shall at once report the deposit and deductions to the city clerk/collector and pay over to the city clerk/collector any deposits or moneys so received, and shall keep a permanent record of the transactions in a book kept by him for such purpose.

(Ord. No. 23, § 23, 12-27-49; Code 1965, § 9.17)

Sec. 24-56. - Sidewalks; curbs; gutters; driveway entrances.

- (a) *Repair.* It shall be the duty of every owner of real estate to keep his sidewalks, curb and gutter and driveway entrances adjacent to his property in good repair at all times and free from irregularities and offsets in the surface thereof which may render the same unsafe for use.
- (b) *Construction; grade; width.* All sidewalks, curb and gutter and driveway entrances constructed, reconstructed or repaired in the city shall be of concrete and shall conform to the established grade of the street. All sidewalks shall be not less than four (4) feet in width.
- (c) *Supervision of work.* All work of constructing, reconstructing or repair of sidewalks, curb and gutter, and driveway entrances shall be done under the supervision of the director of public works.

(Ord. No. 23, §§ 34—36, 12-27-49; Code 1965, § 9.32)

Cross reference— Driveway construction, § 7-11.

Sec. 24-57. - Repair generally.

The board of aldermen may, by ordinance or resolution, condemn defective sidewalks and make assessments therefor, but the board of aldermen, without notice to the property owner, may order the director of public works to cause such work to be done, and the director of public works shall keep an account of the cost thereof and report the same to the board of aldermen for assessment.

(Ord. No. 23, §§ 38, 39, 12-27-49; Code 1965, § 9.34)

Sec. 24-58. - Sidewalk contractors.

No person shall do the work of constructing, reconstructing or repairing of any sidewalk, curb and gutter or driveway entrances in the city without a license so to do. Such license shall be issued by the director of public works on payment of a fee of five dollars (\$5.00) for the calendar year for which issued. The license is subject to revocation by the board of aldermen for failure to observe any of the provisions of this chapter relating to the construction, reconstruction or repairs of sidewalks, curb and gutter and driveway entrances. At the time of obtaining such license, the contractor shall give bond to the city in the sum of five hundred dollars (\$500.00), to be approved by director of public works, conditioned that he will

protection while the work is in progress, hold the city and property owner harmless from all claims, demands and actions against it or them arising out of said work and replace any faulty work, remove all debris and clean up after work is completed. The director of public works shall keep a record of licenses issued in a permanent book, and he shall pay over all fees collected to the city clerk/collector.

(Ord. No. 23, § 37, 12-27-49; Code 1965, § 9.33)

Sec. 24-59. - Failure to repair hazardous sidewalks; appeal.

- (a) Whenever the director of public works or his authorized representatives shall be informed that any sidewalk lawfully used by the public in the city is in a hazardous condition likely to cause bodily injury to persons using the same, he may cause reasonable protective measures to be taken to guard the public and shall notify the owner, through reasonable means, of such situation and at such time command the owner to repair or replace such sidewalk within thirty (30) days from the receipt of such notification or, if the city has a responsibility of correcting any condition contributing to the hazard, then within thirty (30) days from the completion of such correction.
- (b) Any owner of such a sidewalk may within thirty (30) days after receipt of the director of public works' notice or completion of the corrected action by the city, appeal to the board of adjustment the director of public works' determination of the hazardous condition of the sidewalk, or seek an extension of time for accomplishing the repairs of said sidewalk, which may be granted by said board if the sidewalk can be immediately and temporarily rendered safe for the public and the owner so alleviates the condition; provided, however, while an appeal remains undetermined, the owner shall not be prosecuted. When the sidewalk condition is alleviated to the satisfaction of the board of adjustment and within the time granted by said board, the owner shall not be prosecuted.
- (c) If the owner shall fail to repair or replace a hazardous sidewalk or portion thereof within thirty (30) days after notification by the director of public works unless such time is extended as provided in subsection (b) herein, or shall fail to appeal as herein provided, or shall fail to repair or replace said sidewalk or portion thereof as may be ordered by the board of aldermen providing that in the case of raised sidewalk blocks caused by tree roots raising said sidewalk blocks, the city must first have taken all steps required by this Code for the correction thereof, he shall be deemed guilty of a violation of this section and shall upon conviction thereof be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) and each day that any violation shall continue shall constitute a separate offense.

(Code 1965, § 9.345; Ord. No. 1281, § 1, 7-27-71)

Sec. 24-60. - New construction.

- (a) *Contract.* Where a sidewalk has been condemned and is to be replaced by a new walk, or where a petition of any ten (10) or more residents of the city is received for the construction of a new sidewalk where no sidewalk had previously existed, the board of aldermen in its discretion shall contract for the construction of such sidewalk, including grading therefor, with or without curbing, along the street involved. Such contract shall be let to the lowest and best bidder, upon plans and specifications filed therefor by the director of public works with the city clerk/collector, not less than one (1) week's advertisement for bids thereon being made in some newspaper published in the county. Before advertising for bids, an estimate on the cost of the work shall be made by the director of public works and submitted to the board of aldermen, and no contract shall be made for the work at a price exceeding such estimate.

(b)

Work by city. When after advertisement no bid is received for the construction of sidewalks, the board of aldermen may order the director of public works to cause the work to be done. In such case, the director of public works shall keep an accurate account of the amount expended for labor and materials, including grading and filling, opposite each lot and present such account to the board of aldermen for assessment as provided in this section.

(Ord. No. 23, §§ 41, 42, 12-27-49; Code 1965, § 9.36)

State Law reference— Sidewalk improvements, RSMo 88.710; condemnation of sidewalks, RSMo 88.713; sidewalks generally, RSMo 88.863 et seq.

Sec. 24-61. - Assessments.

When the director of public works or other proper officer has reported to the board of aldermen the cost of construction, reconstruction or repair of any sidewalk, the board of aldermen in its discretion may levy the cost as a special assessment against each lot abutting the sidewalk, and each such lot shall be liable for its part of the cost of the work done or made along or in front of such lot. The city clerk/collector shall issue separate tax bills therefor against each such lot.

(Ord. No. 23, § 40, 12-27-49; Code 1965, § 9.35)

Sec. 24-62. - Water or effluent or drains not to run on sidewalks.

- (a) No water or effluent of any kind draining from any building or premises shall be permitted to drain or run onto the surface of any sidewalk or cross the same except pursuant to plans approved by the department of public works upon determination by such department that no unsafe condition will result.
- (b) The owner and occupant of a building or premises shall be responsible for compliance with this provision.

(Ord. No. 3164, § 1, 7-24-90)

ARTICLE III. - USE AND MAINTENANCE OF RIGHT-OF-WAY

Sec. 24-63. - Applicability.

To the extent permitted by law, this article shall apply to all persons desiring to construct, operate, or maintain facilities in, along, across, under or over public rights-of-way within the City of Crestwood, Missouri.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-64. - Purpose.

- (a) To recognize the city's primary role as chief steward of the right-of-way and its duty to its citizens to recover the costs of managing the right-of-way and incursions into it;
- (b) To clarify and regulate conditions of occupancy and construction for those ROW-users occupying space within the city's right-of-way given the anticipated increased use of the right-of-way by various ROW-users throughout the country;
- (c) To recognize the necessity of sound management practices in light of increased use of the right-of-way and the fact that the right-of-way is a limited resource;
- (d) To treat each ROW-user equitably and in a competitively neutral manner with considerations that may be unique to the technologies and situation of each particular ROW-use;

- (e) To minimize disruption, visual impact or inconvenience to the public, and to preserve the public health, safety and welfare; and
 - (f) To comply with applicable state and federal legislation.
- (Ord. No. 3746, § 4, 9-10-02)

Sec. 24-65. - Definitions and usage.

For the purposes of this article, the following terms, phrases, words, and abbreviations shall have the meanings given herein, unless otherwise expressly stated. When not inconsistent with the context, words used in the present tense include the future tense and vice versa, words in the plural number include the singular number, and vice versa, and the masculine gender includes the feminine gender, and vice versa. The words "shall" and "will" are mandatory, and "may" is permissive. Unless otherwise expressly stated or clearly contrary to the context, terms, phrases, words and abbreviations not defined herein shall be given the meaning set forth in the Municipal Code, and, if not defined therein, their common and ordinary meaning. For further convenience, the first letter of terms, phrases, words and abbreviations defined in this article have been capitalized, but an inadvertent failure to capitalize such letter shall not affect its meaning, nor shall the inadvertent capitalization of the first letter of a term, phrase, word or abbreviation not defined herein affect the meaning thereof.

Abandoned facilities means those facilities owned by the ROW-user that are not in use and will not be utilized by the owner in the future.

Administrative fee means the fee charged by the city to recover its cost incurred for right-of-way management; including, but not limited to, costs associated with registering applicants; issuing, processing, and verifying right-of-way permit applications; inspecting job sites and restoration of improvements; determining the adequacy of right-of-way restoration; revoking right-of-way permits and, other costs the city may incur in managing the provisions of this article.

Affiliate means any person controlling, controlled by or under the common control of a "service provider."

Applicant means any person requesting permission to occupy, lease or operate facilities using the right-of-way, or to excavate the right-of-way.

Area of influence means that area within one (1) foot around a street excavation where the pavement and sub-grade is impacted by the excavation and is subject to more rapid deterioration.

City means the City of Crestwood, Missouri, a municipal corporation and any duly authorized representative thereof.

Construct means and includes construct, install, erect, build, affix or otherwise place any fixed structure or object, in, on, under, through or above the right-of-way.

Day means calendar day unless otherwise specified.

Depreciation rate means the rate at which the useful service life of a public street deteriorates over time.

Emergency means a condition that:

- (1) Poses a clear and immediate danger to life or health or of a significant loss of property; or
- (2) Requires immediate repair or replacement in order to restore service to a user.

Excavate means and includes any cutting, digging, excavating, tunneling, boring, grading or other alteration of the surface or subsurface material or earth in the right-of-way.

FCC means Federal Communications Commission.

Facility or *facilities* means lines, pipes, irrigation systems, wires, cables, conduit facilities, poles, towers, vaults, pedestals, boxes, appliances, antennas, transmitters, gates, meters, appurtenances, or other equipment.

Facility based service provider means a service provider owning or possessing facilities in the right-of-way.

Governing body means the mayor and the board of aldermen of the City of Crestwood, Missouri.

Governmental entity means any county, township, city, town, village, school district, library district, road district, drainage or levee district, sewer district, water district, fire district or other municipal corporation, quasi-municipal corporation or political subdivision of the State of Missouri or of any other state of the United States and any agency or instrumentality of the State of Missouri or of any other state of the United States or of the United States.

Parkway means the area between a property line and the street curb, sometimes called boulevard, tree-shelf or snow-shelf.

Pavement means and includes Portland cement concrete pavement, asphalt concrete pavement, asphalt treated road surfaces and any aggregate base material.

Permittee means any person to whom a right-of-way permit is issued to excavate a right-of-way.

Person means any natural or corporate person, business association or business entity including, but not limited to, a partnership, a sole proprietorship, a political subdivision, a public or private agency of any kind, a utility, a successor or assign of any of the foregoing, or any other legal entity.

Public improvement means any project undertaken by the city for construction, reconstruction, maintenance, or repair of any public infrastructure, and including without limitation, streets, alleys, bridges, bikeways, parkways, sidewalks, sewers, drainage facilities, traffic control devices, street lights, public facilities, public buildings or public lands; provided that projects undertaken by the city for the construction, reconstruction, maintenance, or repair of any public infrastructure funded by or substantially by user fees imposed upon those using the public infrastructure shall not be deemed "public improvements" and shall not be exempt from the permit requirements of this article.

Public lands means any real property of the city that is not right-of-way.

Public works director means the public works director for Crestwood, Missouri or any authorized representative.

Registration means the permit application process of a service provider, the approval of the application by the city, and the authorization of the service provider to use any portion of the right-of-way within the city to provide service both within and beyond the city limits.

Repair means the temporary construction work necessary to make the right-of-way useable.

Reseller service provider means a service provider providing service within the city that does not have its own facilities in the right-of-way, but instead uses the right-of-way by interconnecting with or using the network elements of another service provider utilizing the right-of-way, and/or by leasing excess capacity from a facility-based service provider.

Restoration means the process by which an excavated right-of-way and surrounding area, including pavement and foundation, is returned to the same condition that existed before the commencement of the work.

Right-of-way means the area on, below or above the present and future city streets, alleys, bridges, bikeways, parkways and sidewalks.

Right-of-way permit means the authorization to excavate for the construction, installation, repair, restoration or maintenance of any type of facility within the right-of-way.

Routine service operation means a work activity that makes no material change to the facilities and does not disrupt traffic.

ROW-user means a person, its successors and assigns, that uses the right-of-way for purposes of work, excavation, provision of services, or to install, construct, maintain, or repair facilities thereon, including, but not limited to, landowners and service providers. A ROW-user shall not include ordinary vehicular or pedestrian traffic or any governmental entity that has entered into an inter-local agreement with the city regarding the use and occupancy of the city's right-of-way (unless that governmental entity is acting as a service provider in a proprietary capacity), or a reseller service provider that does not own or control its own facilities in the right-of-way.

Service means a commodity provided to a person by means of a delivery system that is comprised of facilities located or to be located in the right-of-way, including, but not limited to, gas, telephone, cable television, internet services, alarm systems, electric, water, telegraph, data transmission, or sanitary sewerage.

Service provider means any person that is a provider of a service for or without a fee that has the requisite certifications and authorizations from applicable governmental entities, including the FCC, to provide such service. Service provider includes both facility-based service providers and reseller service providers.

Street means the pavement and sub-grade of a city residential, collector or arterial roadway.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-66. - Policy.

- (a) It is the policy of the city to authorize any service provider to utilize the right-of-way in a competitively neutral, non-discriminatory manner that maximizes the efficient use of and conserves the right-of-way and minimizes the burden on the right-of-way, physically and aesthetically. Any use of the right-of-way by a ROW-user shall be subject to the terms and conditions hereof, in addition to other applicable federal, state or local requirements.
- (b) The rights granted to use the right-of-way shall be for the sole use of the ROW-user and are limited to the use as set forth by the ROW-user in its permit application and related documents filed with the city in accordance with this article. Except as otherwise expressly permitted by state or federal law, no other person may use the ROW-user's right, unless authorized by the city.
- (c) This article also is designed to regulate occupancy and excavations in the right-of-way by providing, among other things, for the issuance of permits to construct, reconstruct, restore, repair and maintain facilities within the right-of-way in the city.
- (d) All ROW-users shall be subject to all rules, regulations, policies, resolutions, and ordinances now or hereafter adopted or promulgated by the city in the reasonable exercise of its police power and are subject to all applicable laws, orders, rules and regulations adopted by governmental entities now or hereafter having jurisdiction. In addition, the ROW-users shall be subject to all technical specifications, design criteria, policies, resolutions and ordinances now or hereafter adopted or promulgated by the city in the reasonable exercise of its police power relating to permits and fees, sidewalk and pavement cuts, utility location, construction coordination, surface restoration, and other requirements on the use of the right-of-way.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-67. - Administration.

- (a) The public works director is the principal city official authorized to administer right-of-way permits for work and excavations made in the right-of-way. The public works director may delegate any or all of the duties hereunder.
- (b) The public works director is the principal city official responsible for administration of the registration of a service provider. The public works director may delegate any or all of the duties hereunder.
- (c) The public works director shall prepare, maintain and update schedules of planned road construction and overlay, with proposed start dates. These schedules shall be available for inspection by service providers and the public at the Crestwood Government Center or other location(s) as so designated.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-68. - Requirements of service provider.

- (a) Any existing service provider must register within thirty (30) days of the effective date of this article.
- (b) Any person, who is not an existing service provider prior to the effective date of this article and who wishes to become a service provider, must first register with the city.
- (c) The service provider shall report any changes in its registration information within thirty (30) days.
- (d) No service provider shall be authorized to utilize the right-of-way in any capacity or manner without registering and obtaining the necessary right-of-way permit from the city.
- (e) The information required for registration includes the following:
 - (1) Identity and legal status of service provider, including related affiliates.
 - (2) Name, address, telephone number, fax number and e-mail address of officer, agent or employee responsible for the accuracy of the registration statement.

- (3) Name, address, telephone number, fax number and e-mail address of the local representative of the service provider who shall be available at all times to act on behalf of the service provider in the event of an emergency.
- (4) Proof of any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the city or the FCC.
- (5) Description of the service provider's intended use of the right-of-way.
- (6) Information sufficient to determine whether the service provider is subject to franchising by Missouri law.
- (7) Information sufficient to determine that the service provider has applied for and received any permit or other approvals required by the Federal Communications Commission.
- (8) Information which identifies reseller service providers as provided hereinafter.
- (9) Such other information as may be required by the city to complete the registration statement.
- (f) Each service provider shall designate a local person familiar with the facilities that will act as a local agent for the service provider and will be responsible for satisfying information requirements of this article. The service provider shall present to the city the agent's name, address, telephone number, fax number and e-mail address. The agent shall be the person to whom relocation notices and other such notices shall be sent, and with whom rests the responsibility to facilitate all necessary communications. The service provider shall be responsible for all costs incurred by the city due to the failure to provide such information to the city.
- (g) The service provider shall participate in any joint planning, construction and advance notification of right-of-way work, including coordination and consolidation of street cut work as directed by the public works director. In addition, the service provider shall cooperate with other service providers and the city for the best, most efficient, most aesthetic and least obtrusive use of the right-of-way, consistent with safety, and to minimize traffic and other disruptions, including street cuts.
- (h) To the extent allowed by law, the city may limit the number of registrations in a competitively neutral manner, based upon, but not necessarily limited to, specific local considerations such as:
 - (1) The capacity of the right-of-way to accommodate service facilities;
 - (2) The impact on the community of the volume of facilities in the right-of-way;
 - (3) The disruption arising from numerous excavations of the right-of-way;
 - (4) The financial capabilities of the service provider and its guaranteed commitment to make necessary investments to erect, maintain and operate the proposed facilities; or
 - (5) Any other consideration based upon the interests of the public safety and welfare.
- (i) The city shall not exercise its authority under this provision to in any way deter competition or discriminate against any service provider.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-69. - Service provider's right to sell, transfer, lease, assign, sublet or dispose.

In the event a service provider shall sell, transfer, lease, assign, sublet, or dispose of its facilities, or any portion thereof, that is located in city right-of-way, or any right, title or interest in the same, or transfer of any rights granted by the city to any person either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, it shall notify the city of same. In such case, the buyer, transferee, lessee or assignee shall be subject to the terms and conditions of this article, including the requirement to register

as provided in section 24-68. This provision shall not apply to the sale of property or equipment in the normal course of business. No notice to the city shall be required for a transfer in trust, mortgage, or other similar instrument, in whole or in part, to secure an indebtedness, or for a pro forma transfer to a corporation, partnership, or other entity controlling, controlled by or under common control with the service provider.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-70. - Reseller service providers.

A service provider may permit and has the authority to sell, sublet, or lease any use of excess capacity and sell services for resale to any reseller service provider providing service within the city, including the service provider's subsidiary or affiliate. The reseller service provider shall first register and obtain any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the city or the FCC. Unless otherwise prohibited by law or regulatory authority, the service provider shall use all reasonable efforts to provide the city on an annual basis the identity of entities with which the service provider has entered into an interconnection and/or resale agreement within the city. This notice will not relieve the reseller service provider from its own obligation to register and obtain any necessary franchise with the city. Nothing in this article shall prevent a facility-based service provider from providing to any reseller service provider the use of the facility-based service provider's facilities in the right-of-way as authorized by federal or state law.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-71. - Use of the right-of-way.

- (a) The ROW-user's use of the right-of-way shall in all matters be subordinate to the city's use or occupation of the right-of-way. Without limitations of its rights, the city expressly reserves the right to exercise its governmental powers now and hereafter vested in or granted to the city.
- (b) The ROW-user shall coordinate the placement of facilities in a manner that minimizes adverse impact on any public improvement, as reasonably determined by the city. Where placement is not regulated, the facilities shall be placed with adequate clearance from such public improvements so as not to impact or be impacted by such public improvement in accordance with such standards as adopted by the city and made known to the ROW-user.
- (c) The ROW-user shall consider any request made by the city concerning placement of facilities in private easements in order to limit or eliminate future street improvement relocation expenses.
- (d) All facilities shall be located and laid so as not to disrupt or interfere with any pipes, drains, sewers, irrigation systems or other structures or public improvements already installed. In addition, the ROW-user shall, in doing work in connection with its facilities, avoid, so far as may be practicable, disrupting or interfering with the lawful use of the streets, alleys, sidewalks or other public lands of the city.
- (e) All facilities of the ROW-user shall be placed so that they do not interfere with the use of right-of-way and public lands. The city, through its public works director, shall have the right to consult and review the location, design and nature of the facility prior to installation.
- (f) The ROW-user shall not interfere with the facilities of the other ROW-users without obtaining their permission. If and when the city requires or negotiates to have a service provider cease using its existing poles and to relocate its facilities underground, all other service providers using the same

poles shall also relocate their facilities underground at the same time. The city may waive this requirement when in its sole discretion, it deems relocation impractical. The cost of such relocation shall be borne in accordance with this article and any applicable tax governing that service provider.

- (g) The public works director may assign specific corridors within the right-of-way, or any particular segment thereof as may be necessary, for each type of facility that is currently or, pursuant to current technology, the public works director expects will some day be located within the right-of-way. All right-of-way permits issued by the public works director shall indicate the proper corridor for the ROW-user's facilities. Any ROW-user whose facilities are currently in the right-of-way in a position at a variance with the designated corridors shall, no later than at the time of next reconstruction or excavation of the area where its facilities are located, move the facilities to its assigned position within the right-of-way, unless this requirement is waived by the public works director for good cause shown, upon consideration of such factors as the remaining economic life of the facilities, public safety, user service needs and hardship to the ROW-user.
- (h) If, in the preparation and planning of right-of-way project, the public works director deems it appropriate for a conduit to be constructed along, across or under the right-of-way, the public works director shall contact all appropriate ROW-users for their input on the planning and design of such conduit. If a ROW-user desires to construct, maintain or operate facilities along such right-of-way, the public works director may require the ROW-user to use such conduit, and to contribute to the cost of such conduit, provided, however, the ROW-user's use of the conduit is reasonable and appropriate under the circumstances.
- (i) All earth, materials, sidewalks, paving, crossings, utilities, other public improvements or improvements of any kind damaged or removed by the ROW-user shall be fully repaired or replaced promptly by the ROW-user at its sole expense and to the reasonable satisfaction of the city. Upon determination by the public works director that such repair or replacement is a public safety matter, all such repair or replacement shall be corrected within twenty-four (24) hours of notice from the city, or the public works director may cause such repair or replacement to be completed and bill the ROW-user for the cost. The public works director has the authority to inspect the repair or replacement of the damage, and if necessary, to require the ROW-user to do any necessary additional work.
- (j) All technical standards governing construction, reconstruction, installation, operation, testing, use maintenance, and dismantling of a ROW-user's facilities in the right-of-way shall be in accordance with applicable federal, state and local law and regulations, including those promulgated by national trade associations commonly associated with the service provided by the ROW-user. A ROW-user shall not construct or reconstruct any of its facilities located upon, over, under or within the city right-of-way without first having submitted in writing a description of its planned improvement to the public works director and having received a permit for such improvement. The public works director may require that any drawings, plans and/or specifications comply with all applicable technical codes, rules and regulations, unless such plans are based directly on nationally recognized codes.
- (k) The ROW-user shall cooperate promptly and fully with the city and take all reasonable measures necessary to provide accurate and complete on-site information regarding the nature and location of its facilities within the right-of-way, both underground and overhead, when requested by the city or its authorized agent for a public improvement. Such location and identification shall be at the sole expense of the ROW-user without any expense to the city, its employees, agents, or authorized contractors.

Sec. 24-72. - Facility relocation.

- (a) The ROW-user shall promptly remove, relocate or adjust any facilities located in the right-of-way as directed by the city for a public improvement or when reasonably required by the city by reason of public safety. Such removal, relocation, or adjustment shall be performed by the ROW-user at the ROW-user's sole expense without expense to the city, its employees, agents, or authorized contractors and shall be specifically subject to rules, regulations and schedules of the city pertaining to such. The ROW-user shall proceed with relocations promptly upon notice by the city to begin relocation.
- (b) The ROW-user shall promptly remove, relocate or adjust any facilities located in private easement, at the city's cost and as directed by the city, for a public improvement, by moving such facilities to areas within the expanded right-of-way or within remaining private easements or remaining portions of such easements not condemned by nor disclaimed to the city to avoid conflict with city construction and improvements. The ROW-user shall disclaim those parts of its easements, which lie within the expanded right-of-way. Should the city, in the future, decide to require the ROW-user to again relocate its facilities to other areas within the expanded right-of-way, the cost of any such future relocation shall be borne by the city.
- (c) As soon as working drawings are available for public improvements that will require the ROW-user to relocate its facilities, the city shall provide the ROW-user with written notice of relocations and the anticipated bid letting date of said improvements. The ROW-user shall respond with any conflicts and a proposed construction schedule within thirty (30) days.
- (d) Following notice by the city in the form of the delivery of final design plans for such public improvements, the ROW-user shall remove and relocate its facilities in accordance with the mutually agreed upon schedule, provided the project is not delayed by adverse weather conditions and other factors beyond the control of the ROW-user. The ROW-user shall certify to the city, in writing, that its facilities have been relocated or adjusted to clear construction in accordance with project plans provided by the city.
- (e) Any damages suffered by the city, its agents or its contractors to the extent caused by ROW-user's failure to timely relocate or adjust its facilities, or failure to properly relocate or adjust such facilities, shall be borne by the ROW-user.
- (f) In the event the ROW-user is required to move its facilities in accordance with this section, the right-of-way permit fee hereunder shall be waived.
- (g) It is the intent of this section for both the city and the ROW-user to cooperate with one another so that the need for facility relocation is minimized and, when required and feasible, relocations may be completed prior to receipts of bids by the city for a public improvement.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-73. - Protection of the public.

- (a) It shall be the responsibility of the ROW-user to take adequate measures to protect and defend its facilities in the right-of-way from harm and damage.
- (b) The city shall be liable for any damage to or loss of any of the ROW-user's facilities within the right-of-way as a result of or in connection with any construction, excavation, grading, filling or work, including public improvements by or on behalf of the city, to the extent caused by the negligent, willful, intentional, or malicious acts of the city.
- (c)

The ROW-user shall be responsible to the city and its agents, representatives, and authorized contractors for all damages including, but not limited to delay of any kind arising out of the failure of the ROW-user to perform any of its obligations under this article.

- (d) The city or its authorized contractors shall be responsible for taking reasonable precautionary measures including requesting facility locations.
- (e) Any ROW-user who for any purpose makes or causes to be made any excavation in, upon, under, through or adjoining any street, sidewalk, alley, or other right-of-way, and shall leave any part or portion thereof open, or shall leave part or portion thereof disrupted with rubbish, building or other material during construction and/or the night time, shall cause the same to be enclosed with good substantial and sufficient barricades or drums equipped with the appropriate type warning lights and orange safety fencing material properly secured around the excavation or the disruption.
- (f) Whenever a ROW-user shall excavate the full width of any street, sidewalk, driveway approach or other right-of-way, it shall be its duty to maintain an adequate passage for vehicles and pedestrians across or around the excavation until it is refilled as specified.
- (g) Any excavation left open overnight on any arterial or collector type street shall be securely covered. The ROW-user assumes the sole responsibility for maintaining proper barricades, plates, safety fencing and/or lights as required from the time of opening of the excavation until the excavation is surfaced and opened for travel.
- (h) In the event the ROW-user severely disturbs or damages the root structure of any tree in the right-of-way to the detriment of the health and safety of the tree, the ROW-user will be required to remove and replace the tree at the ROW-user's cost. Further, in review of the ROW-user's plan, the public works director, in his discretion, may require the ROW-user to directionally bore around any tree in the right-of-way.
- (i) Upon the appropriate request of any person having satisfied city procedure and ordinances, the ROW-user shall remove, raise, or lower its facilities temporarily to permit the moving of houses or other structures. The expense of such temporary removal, raising or lowering shall be paid by the person requesting the same, and the ROW-user may require such payment in advance. The ROW-user must be given not less than fifteen (15) days written notice from the person detailing the time and location of the moving operations.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-74. - Right-of-way vacation.

- (a) If the city vacates a right-of-way which contains the facilities of the service provider, and if the vacation does not require the relocation of the service provider's facilities, the city shall reserve, to and for itself and all service providers having facilities in the vacated right-of-way, an easement for the right to install, maintain and operate any facilities in the vacated right-of-way and to enter upon such vacated right-of-way at any time for the purpose of reconstructing, inspecting, maintaining or repairing the same.
- (b) If the vacation requires the relocation of facilities, and
 - (1) If the vacation proceedings are initiated by the service provider, the service provider must pay the relocation costs, or
 - (2) If the vacation proceedings are initiated by the city, the service provider must pay the relocation costs unless otherwise agreed to by the city and the service provider, or
 - (3)

If a person other than the service provider or the city initiates the vacation proceedings, such other person must pay the relocation costs.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-75. - Abandoned and unusable facilities.

- (a) The public works director may allow underground facilities or portions thereof to remain in place if the public works director determines that it is in the best interest of public safety to do so. If the ROW-user proceeds under this section, the ROW-user shall submit to the city a proposal and instruments for transferring ownership of its facilities to the city.
- (b) Facilities of a ROW-user who fails to comply with this section, and whose facilities remain unused for two (2) years, shall be deemed to be abandoned. The city may take possession and ownership of such facilities.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-76. - Permit requirement.

- (a) Except as otherwise provided, no ROW-user may excavate any right-of-way or conduct any repair, construction, or reconstruction of facilities located within the right-of-way without first having obtained the appropriate right-of-way permit.
- (b) There are two (2) exemptions to this provision:
 - (1) Contractors working on the construction or reconstruction of public improvements.
 - (2) ROW-users performing routine service operations which do not require excavation in the right-of-way and do not disrupt traffic for more than four (4) hours.
- (c) No person owning or occupying any land abutting on a public right-of-way shall construct, maintain, or permit in or on the portion of the public right-of-way to which such land is adjacent, any fixed structure, material or object other than a U. S. Mail box without having obtained the appropriate right-of-way permit.
- (d) A right-of-way permit is required for emergency situations. If, due to an emergency, it is necessary for the ROW-user to immediately perform work in the right-of-way, and it is impractical for the ROW-user to first get the appropriate permit, the work may be performed, and the required permit shall be obtained during the next business day.
- (e) Except in the case of an emergency, the public works director may deny an application for permit in the following events:
 - (1) Facilities work is sought which requires excavation of any portion of the paved public right-of-way which was constructed or reconstructed in the preceding five (5) years, or has a pavement condition index (PCI) greater than eighty-five (85), as determined by the public works director.
 - (2) The applicant, contractor or facilities owner owes undisputed past due fees from prior permits, or is in violation of the provisions of this article.
 - (3) The applicant, contractor, or facilities owner has failed to return the public right-of-way to its previous and acceptable condition under previous permits.
 - (4) The facilities work will cause undue disruption to existing or planned utilities, transportation, public or city use.
 - (5) Failure to pay for damages caused to any city facilities from prior facilities work by the applicant or facilities owner.

(f)

No permittee may excavate the right-of-way beyond the date or dates specified in the right-of-way permit unless the permittee:

- (1) Makes a supplementary application for another right-of-way permit before the expiration of the initial permit, and,
 - (2) A new right-of-way permit or permit extension is granted.
- (g) Right-of-way permits issued shall be conspicuously displayed by the permittee at all times at the indicated work site and shall be available for inspection by the public works director, other city employees and the public. In lieu of the display of the permit, the city may issue a sign, stake or other device to confirm the issuance of the permit that shall be conspicuously displayed at the work site.
- (h) Before receiving a right-of-way permit, the applicant must show proof of any necessary permit, license, certification, grant, registration or any other authorization required by any appropriate governmental entity, including, but not limited to, the city.
- (i) Any ROW-user who is found to be working in the public right-of-way without a permit will be directed to stop work until a permit is acquired and properly posted at the work site. The only exception allowed is for emergency repair work. Refusal to comply with a stop work order is punishable as provided in section 24-96.
- (j) Any permittee found to be working without providing for required safety and traffic control will be directed to stop work until the appropriate measures are implemented in accordance with the current edition of the manual on uniform traffic control devices. Refusal to comply with a stop work order is punishable as provided in section 24-96.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-77. - Permit applications.

- (a) Application for a right-of-way permit shall be submitted to the public works director by the person who will do the work and/or excavation in the right-of-way.
- (b) Right-of-way applications shall contain and be considered complete only upon receipt of the following:
- (1) Compliance with verification of registration;
 - (2) Submission of a completed permit application form, including all required attachments and drawings showing the location and area of the proposed project and the location of all existing and proposed facilities at such locations;
 - (3) A traffic control plan;
 - (4) Payment of all money due to the city for permit fees and costs, for prior excavation costs, for any loss, damage or expense suffered by the city because of the applicant's prior excavations of the right-of-way or for any emergency actions taken by the city, unless the payment of such money is in dispute and timely appealed as provided hereafter;
 - (5) A commitment from the applicant to contact the Missouri One Call program or comparable successor program.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-78. - Liability insurance, performance and maintenance bond requirement.

- (a) The permittee shall file with the city evidence of liability insurance with an insurance company licensed to do business in Missouri. The amount will be not less than one million dollars (\$1,000,000.00) per occurrence and two million dollars (\$2,000,000.00) in aggregate. The insurance will

protect the city from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death, or property damage to the extent caused or alleged to have been caused by the negligent acts or omissions of the permittee or persons under the control of permittee. If the permittee is self-insured, it shall provide the city proof of compliance regarding its ability to self-insure and proof of its ability to provide coverage in the above amounts.

- (b) The permittee shall at all times during the term of the permit, and for two (2) years thereafter, maintain a performance and maintenance bond in a form approved by the city attorney. The amount of the bond will be five thousand dollars (\$5,000.00) or the value of the restoration, whichever is greater, for a term consistent with the term of the permit plus two (2) additional years, conditioned upon the permittee's faithful performance of the provisions, terms and conditions required by this article. An annual bond in an amount of fifty thousand dollars (\$50,000.00) automatically renewed yearly during this period shall satisfy the requirements of this section. In the event the city shall exercise its right to revoke the permit as granted herein, then the city shall be entitled to recover under the terms of said bond the full amount of any loss occasioned thereby.
- (c) A copy of the liability insurance certificate and performance and maintenance bond must be on file with the city clerk.
- (d) No performance and maintenance bond or liability insurance will be required of any governmental entity, or of any residential property owner working in the right-of-way adjacent to his/her residence, who does not utilize a contractor to perform the excavation.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-79. - Right-of-way permit fees.

The right-of-way permit and inspections fees shall be determined by the director of public works and listed in the schedule of fees maintained in the city clerk's office. Said permit and inspection fees shall be based on the city's actual costs to manage the city's right-of-way.

- (a) Application for an excavation permit as required in section 24-76 shall be made on a form provided by the city, which application shall contain information regarding the purpose, location, and size of the proposed excavation and the approximate time work thereon will be commenced, and shall state the length of time applicant estimates will elapse from the commencement of the work until the complete restoration of the surface. Each excavation shall require a separate permit. A minimum of two (2) inspections shall be required for each permit.
- (b) The right-of-way permit fee may include an administrative fee to be determined by the public works director.
- (c) Fees paid for a right-of-way permit, which is subsequently revoked by the public works director, are not refundable.
- (d) In the event the scope of the project is revised during the course of the work, the public works director may recalculate the fee based on the actual size of the excavation, and may require an additional administrative fee.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-80. - Deposit.

The application for an excavation permit shall include a cash deposit to ensure the applicant will backfill the excavation, repair the pavement, and restore the site in compliance with this article.

- (a) The approximate cost of granular backfill, repaving operations, and general site restoration to be performed by applicant desiring to make an excavation will be estimated by the public works director at the time application for an excavation permit is submitted, and the cost so estimated shall be deposited with the city. The amount of the deposit shall be reasonably sufficient to secure the city against any damage or expense which may result from the applicant's failure to comply with the provisions of this article. The amount of such deposit shall be based upon the location, purpose, and extent of the work. The minimum amount of deposit shall be one hundred dollars (\$100.00) for any excavation except for excavations in street, sidewalk or driveway pavement and then the minimum deposit shall be two hundred dollars (\$200.00). The maximum deposit shall not exceed five thousand dollars (\$5,000.00).
- (b) Utility companies, contractors performing excavations under contract for utility companies, or other governmental agencies are not required to provide a cash deposit.
- (c) Each permit shall have a separate cash deposit to guarantee backfilling, paving, and site restoration in accordance with this article.
- (d) Failure of the applicant to call for the final inspection within one (1) year of the issuance date of the permit shall result in the deposit being forfeited by the applicant, and said deposit shall be paid to the city treasury as general revenue.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-81. - Issuance of permit.

- (a) If the public works director determines that the applicant has satisfied the requirements of this article, the public works director shall issue a right-of-way permit.
- (b) The public works director may impose reasonable conditions upon the issuance of a right-of-way permit and the performance of the permittee in order to protect the public health, safety and welfare, to ensure the structural integrity of the right-of-way, to protect the property and safety of other users of the right-of-way, and to minimize the disruption and inconvenience to the public.
- (c) When a right-of-way permit is requested for purposes of installing additional facilities and a performance and maintenance bond for additional facilities is reasonably determined to be insufficient, the posting of an additional or larger performance and maintenance bond for the additional facilities may be required.
- (d) Issued permits are not transferable.
- (e) If work is being done for the ROW-user by another person, a subcontractor or otherwise, the person doing the work and the ROW-user shall be jointly and severally liable and responsible for all damages, obligations, and warranties herein described.
- (f) A right-of-way permit shall have an effective date and an expiration date. Establishment of the expiration date shall be in the discretion of the public works director, which discretion shall be reasonably exercised to achieve the city's policy of minimizing disruption of public rights-of-way.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-82. - Permitted work.

- (a) The permittee shall not make any cut, excavation or grading of right-of-way other than excavations necessary for emergency repairs without first securing a right-of-way permit.
- (b)

The permittee shall not, at any one (1) time, open or encumber more of the right-of-way than shall be reasonably necessary to enable the permittee to complete the project in the most expeditious manner.

- (c) The permittee shall, in the performance of any work required for the installation, repair, maintenance, relocation and/or removal of any of its facilities, limit all excavations to those excavations that are necessary for efficient operation.
- (d) The permittee shall not permit such an excavation to remain open longer than is necessary to complete the repair or installation.
- (e) The permittee shall notify the city no less than three (3) working days in advance of any construction, reconstruction, repair, location or relocation of facilities which would require any street closure or which reduces traffic flow to less than two (2) lanes of moving traffic for more than four (4) hours. No construction work shall begin in any street right-of-way and no curb on any street shall be cut until at least forty-eight (48) hours' prior notice of intention to begin work is given to the public works director by the facilities owner, permittee or contractor. Except in the event of an emergency as reasonably determined by the permittee, no such closure shall take place without notice and prior authorization from the city.
- (f) Non-emergency work on arterial and collector streets may not be performed during the hours of 7:00 a.m. to 8:30 a.m. and 4:00 p.m. to 6:00 p.m. in order to minimize disruption of traffic flow.
- (g) No such work shall be done until a city inspector is present. If any portion of the work fails to meet the requirements hereunder, the public works director or inspector on the job shall cause the work to be stopped until the unsatisfactory conditions are remedied.
- (h) If any portion of any street, sidewalk, curb, alley or driveway entrance is constructed in violation of the provisions hereof, the public works director may order such work to be removed unless the owner, permittee or contractor shall submit borings and such other tests as shall be required by the public works director and the director is satisfied that the work has been done in conformity with applicable specifications.
- (i) The permittee shall provide for the flow of all water courses, sewers or drains intercepted during the facilities work and shall replace same in as good condition as same were at the time facilities work was begun or shall make such provisions for them as the public works director shall prescribe. The permittee shall not obstruct the gutter of any street and shall use all proper measures to provide for the free passage of surface water. The permittee shall make provision to take care of all surplus water, muck, silt, slickings or other runoff pumped from the work site or other operations and shall be responsible for any damage resulting from the failure to so provide.
- (j) All work performed in the right-of-way or which in any way impacts vehicular or pedestrian traffic shall be properly signed, barricaded, and otherwise protected at the permittee's expense. Such signage shall be in conformance with the latest edition of the manual on uniform traffic control devices, unless otherwise agreed to by the city.
- (k) The permittee shall be liable for any damages to underground facilities caused by its work. The permittee shall not make or attempt to make repairs, relocation or replacement of damaged or disturbed underground facilities without the approval of the owner of the facilities.
- (l) Whenever there is an excavation by the permittee, the permittee shall be responsible for providing appropriate traffic control measures to assure that during the performance of the excavation work traffic conditions as nearly normal as practicable shall be maintained at all times so as to cause as little inconvenience as possible to the occupants of the abutting property and to the general public.

provided that the public works director may permit the closing of streets to all traffic for a period of time if in the opinion of the public works director such closing is necessary. The permittee shall route and control traffic including its own vehicles as directed by the public works director. The following steps shall be taken before any roadway may be closed or restricted to traffic:

- (1) The permittee must receive the approval of the public works director and the police department;
- (2) The permittee must notify the fire department of any street so closed;
- (3) Upon completion of construction work, the permittee shall notify the public works director and city police department before traffic is moved back to its normal flow so that any necessary adjustments may be made;
- (4) When flagmen are deemed necessary by the public works director, they shall be furnished by the permittee at its own expense. Through traffic shall be maintained without the aid of detours, if possible. In instances in which this would not be feasible, the public works director will designate detours. The city shall maintain roadway surfaces of existing highways designated as detours without expense to the permittee; but in case there are no existing highways, the permittee shall construct all detours at its expense and in conformity with the specifications of the public works director. The permittee will be responsible for any unnecessary damage caused to any highways by the operation of its equipment.

In the event the excavation is not completed within the time established by the permit, the permittee shall pay to the city the sum of one hundred dollars (\$100.00) per day as liquidated damages, and not as a penalty, to be deducted from the deposit of the permittee, if sufficient.

- (m) All facilities and other appurtenances laid, constructed and maintained by the permittee shall be laid, constructed and maintained in accordance with acceptable engineering practices and in full accord with any and all applicable engineering codes adopted or approved by the parties and in accordance with applicable statutes of the State of Missouri, as well as the rules and regulations of any local, state or federal agency having jurisdiction over the parties.
- (n) Following completion of permitted work for new construction, the permittee shall keep, maintain and provide to the city accurate records and as-built drawings, drawn to scale and certified to the city as accurately depicting the location of all facilities constructed pursuant to the permit. When available to the permittee, maps and drawings provided will be submitted in AUTOCAD.DXF, AUTOCAD.DWG, MICROSTATION.DGN (or comparable, as allowed by the public works director) automated formats if available, or in hard copy otherwise. The public works director may waive this requirement.
- (o) The city may use the as-built records of the service provider's facilities in connection with any public improvements.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-83. - Right-of-way repair and restoration.

- (a) The work to be done under the right-of-way permit and the repair and restoration of the right-of-way as required herein must be completed within the dates as specified by the permit. However, in the event of circumstances beyond the control of the permittee or when work was delayed by conditions beyond the permittee's control, the public works director may extend the date for completion of the project upon receipt of a supplementary application for a permit extension.
- (b) All earth, materials, sidewalks, paving, crossing, utilities, public improvement or improvements of any kind damaged or removed by the permittee shall be fully repaired or replaced promptly by the permittee at its sole expense and to the reasonable satisfaction of the city. The public works director

has the authority to inspect the repair or replacement of the damage, and if necessary, to require the permittee to do additional necessary work. Notice of the unsatisfactory restoration and the deficiencies found will be provided to the permittee and a reasonable time not to exceed fifteen (15) days will be provided to allow for the deficiencies to be corrected.

- (c) After any excavation, the permittee shall, at its expense, restore all portions of the right-of-way.
- (d) If the permittee fails to restore the right-of-way in the manner and to the condition required by the public works director, or fails to satisfactorily and timely complete all restoration, the city may, at its option, serve written notice upon the permittee and its surety that, unless within five (5) days after serving of such notice, a satisfactory arrangement can be made for the proper restoration of the right-of-way, the city shall immediately serve notice of failure to comply upon the surety and the permittee, and the surety shall have the right to take over and complete the work, provided, however, that if the surety does not commence performance thereof within ten (10) days from the date of notice, the city may take over the work and undertake same to completion, by contract or otherwise, at the expense of the permittee, and the permittee and its surety shall be liable to the city for any and all cost incurred by the city by reason of such completion.
- (e) The permittee responsible for the excavation shall be responsible for providing safety protection in accordance with the latest edition of the manual of uniform traffic control devices and any applicable federal or state requirements.
- (f) If an excavation cannot be back-filled immediately and is left unattended, the permittee shall securely and adequately cover the unfilled excavation. The permittee has sole responsibility for maintaining proper barricades, safety fencing and/or lights as required, from the time of the opening of the excavation until the excavation is surfaced and opened for travel.
- (g) In restoring the right-of-way, the permittee guarantees its work and shall maintain it for twenty-four (24) months following its completion. During the twenty-four (24) months the permittee shall, upon notification from the public works director, correct all restoration work to the extent necessary, using any method as required by the public works director. Said work shall be completed within a reasonable time, not to exceed thirty (30) calendar days, of the receipt of notice from the public works director (not including days during which work cannot be done because of circumstances constituting force majeure or days when work is otherwise delayed through no fault of the permittee). The public works director shall have the authority to extend the guarantee period for up to an additional twenty-four (24) months from the date of any new restoration, if the public works director determines any intentional action by the permittee not to comply with the conditions of the right-of-way permit and any restoration requirements. The foregoing shall not apply to landscaping materials restored in the right-of-way; however, landscaping material must be replaced as directed by the public works director and reasonable efforts taken to assure their survival.
- (h) The twenty-four-month guarantee period shall be applicable to failure of the pavement surface as well as failure below the pavement surface.
- (i) All excavations in a street shall be restored and maintained in accordance with the following:
 - (1) No person shall perform any backfilling in any excavation unless an inspector from the department of public works is present to observe the work and the backfill is made in accordance with the standards established hereunder.
 - (2) Whenever it is necessary to break through existing pavement, the pavement shall be removed to at least two (2) feet beyond the outer limits of the subgrade that is to be disturbed in order to prevent settlement and a two (2) foot shoulder of undisturbed materials shall be provided in each

side of the excavated trench. The face of the remaining pavement shall be approximately vertical. A power-driven concrete saw shall be used so as to permit complete breakage of concrete pavement or base without ragged edges. Asphalt paving shall be cut in a straight line. No pile driver may be used in breaking up the pavement.

- (3) The public works director shall prepare a utility policy that shall contain a detailed set of specifications for backfilling and restoring pavement.
- (4) No person shall make any street excavation without providing barricades around the same as a warning to the public and providing adequate lights around the excavation between sunset and sunrise. Traffic warning signs and devices shall be provided in accordance with the manual on uniform traffic control devices, as amended from time to time, and as required by the public works director.
- (5) Should a facilities owner desire to have the city restore the surface of the street with a PCI greater than seventy (70), then they shall pay an additional amount equal to the city's actual cost to perform the pavement restoration. These costs shall be determined by the director of public works on a time and material basis.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-84. - Joint applications.

- (a) Applicants may apply jointly for permits to excavate the right-of-way at the same time and place. All joint applicants must jointly execute all required documents and shall be jointly and severally liable for all duties and obligations hereunder.
- (b) Applicants who apply jointly for a right-of-way permit may share in the payment of the permit fee. Applicants must agree among themselves as to the portion each shall pay.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-85. - Supplementary applications.

- (a) A right-of-way permit shall only be valid for the area of the right-of-way specified within the permit. No permittee may cause any work to be done outside the area specified in the permit, except as provided herein. Any permittee who determines that an area greater than that which is specified in the permit must be excavated must do the following prior to the commencement of work in that greater area:
 - (1) Make application for a permit amendment or a new permit and pay any additional fees required thereby; and
 - (2) Receive the new or amended permit.
- (b) A right-of-way permit shall be valid only for the dates specified in the permit. No permittee may commence work before the permit start date or, except as provided herein, continue working after the end date. If a permittee does not complete the work by the permit end date, the permittee must apply for and receive a new right-of-way permit or a permit extension for additional time. This application must be submitted to the city prior to the original permit end date.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-86. - Other obligations.

- (a) Obtaining a right-of-way permit under this article shall not relieve the permittee of its duty to obtain any necessary permit, license, certification, grant, registration, franchise agreement or any other authorization required by any appropriate governmental entity, including, but not limited to, the city

or the FCC, and to pay any fees required by any other city, county, state, or federal rules, laws or regulations. A permittee shall perform all work in full accord with any and all applicable engineering codes adopted or approved by the parties and in accordance with applicable statutes of the State of Missouri, and the rules and regulations of the FCC or any other local, state or federal agency having jurisdiction over the parties. A permittee shall perform all work in conformance with all applicable codes and established rules and regulations and shall be responsible for all work done in the right-of-way pursuant to its permit, regardless of who does the work.

- (b) Except in cases of an emergency or with approval of the public works director, no right-of-way work may be done when conditions are unreasonable for such work.
- (c) A permittee shall not disrupt a right-of-way such that the natural free and clear passage of water through the gutters or other waterways is interfered with private vehicles may not be parked within or next to the permit area.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-87. - Denial of permit.

- (a) The public works director may deny a permit to protect the public health, safety and welfare, to prevent interference with the safety and convenience of ordinary travel over the right-of-way, or when necessary, to protect the right-of-way and its users. The public works director, at his discretion, may consider one (1) or more of the following factors in denial of the permit:
 - (1) The extent to which the right-of-way space where the permit is sought is available;
 - (2) The competing demands for the particular space in the right-of-way;
 - (3) The availability of other locations in the affected right-of-way or in other rights-of-way for the facilities of the applicant;
 - (4) The applicability of any ordinance or other regulations that affect location of facilities in the right-of-way;
 - (5) The degree of compliance of the applicant with the terms and conditions of its franchise, this article, and other applicable ordinances and regulations;
 - (6) The degree of disruption to surrounding communities and businesses that will result from the use of that part of the right-of-way;
 - (7) The condition and age of the right-of-way, and whether the right-of-way was constructed or reconstructed within the preceding five (5) years;
 - (8) The balancing of costs of disruption to the public and damage to the right-of-way, against the benefits to that part of the public served by the construction in the right-of-way;
 - (9) Whether the applicant maintains a current registration with the city;
 - (10) Whether the applicant has failed within the last three (3) years to comply with, or is presently not in full compliance with, the requirements of this article;
 - (11) Whether the applicant owes monies to the city;
 - (12) Whether the issuance of a right-of-way permit for the particular dates and/or time requested would cause a conflict or interferes with an exhibition, celebration, festival, or any other event. In exercising this discretion, the public works director shall be guided by the safety and convenience of anticipated travel of the public over the right-of-way.
- (b) Notwithstanding the above provisions, the public works director may, in his discretion, issue a right-of-way permit in any case where the permit is necessary to:

- (1) Prevent substantial economic hardship to a user of the applicant's service;
- (2) Allow such user to materially improve the service provided by the applicant.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-88. - Revocation of permit.

- (a) Permittees hold right-of-way permits issued pursuant to this article as a privilege and not as a right. The city reserves its right, as provided herein, to revoke any right-of-way permit, without refund of the permit fee, in the event of a substantial breach of the terms and conditions of any law or the right-of-way permit. A substantial breach shall include, but not be limited to, the following:
 - (1) The violation of any material provision of the right-of-way permit;
 - (2) An evasion or attempt to evade any material provision of the right-of-way permit, or the perpetration or attempt to perpetrate any fraud or deceit upon the city or its residents;
 - (3) Any material misrepresentation of any fact in the permit application;
 - (4) The failure to maintain the required bond or insurance;
 - (5) The failure to complete the work in a timely manner;
 - (6) The failure to correct a condition indicated on an order issued pursuant to this article;
 - (7) Repeated traffic control violations; or
 - (8) Failure to repair facilities damaged in the right-of-way.
- (b) If the public works director determines that the permittee has committed a substantial breach of any law or condition placed on the right-of-way permit, the public works director shall make a written demand upon the permittee to remedy such violation. The demand shall state that the continued violation may be cause for revocation of the permit, or legal action if applicable. Further, a substantial breach, as stated above, will allow the public works director, at his discretion, to place additional or revised conditions on the right-of-way permit, specifically related to the manner in which the breach is cured by the permittee. Within five (5) calendar days of receiving notification of the breach, permittee shall contact the public works director with a plan, acceptable to the public works director, for correction of the breach. Permittee's failure to contact the public works director, permittee's failure to submit an acceptable plan, or permittee's failure to reasonably implement the approved plan shall be cause for immediate revocation of the right-of-way permit.
- (c) If a right-of-way permit is revoked, the permittee shall also reimburse the city for the city's reasonable costs, including administrative costs, restoration costs and the costs of collection and reasonable attorneys' fees incurred in connection with such revocation.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-89. - Work requirements and inspections.

- (a) Any excavation, backfilling, repair and restoration, and all other work performed in the right-of-way shall be done in conformance with the city's standards as promulgated by the public works director.
- (b) The permittee will notify the public works director to schedule an inspection at the start of backfilling. Upon completion of all right-of-way restorative activities, the permittee will schedule a closeout inspection. In the event a permittee fails to obtain any interim inspections, the public works director may require re-opening of the excavation to allow such inspections.
- (c) The permittee shall notify the office of the public works director upon completion of the authorized work permit.
- (d)

When any corrective actions required have been completed and inspected to the public works director's satisfaction, the two-year maintenance/guarantee period will begin.

- (e) In addition to the required scheduled inspections, the public works director may choose to inspect the ongoing permitted work in the right-of-way at any time to ensure that all requirements of the approved permit are being met by the permittee.
- (f) At the time of any inspection, the public works director may order the immediate cessation of any work, which poses a serious threat to the life, health, safety, or well being of the public. The public works director may issue a citation to the permittee for any work which does not conform to the applicable standards, conditions, code or terms of the permit. The citation shall state that failure to correct the violation will be cause for revocation of the permit.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-90. - Appeals process.

- (a) Whenever a permittee shall deem himself aggrieved by any decision or action taken by the public works director, the permittee may file an appeal to the city administrator within ten (10) calendar days of the date of notice of such decision or action.
- (b) The permittee shall be afforded a hearing on the matter before the city administrator within thirty (30) days of filing the appeal.
- (c) In cases of applicability or interpretations of the rules, the city administrator may revoke or amend such decision or action taken by the public works director.
- (d) Unless the order appealed from is revoked or amended, such order, decision or action shall remain in force and be complied with by the permittee forthwith.
- (e) In cases where compliance with such decision or action taken by the public works director would cause undue hardship, the city administrator may extend the time limit of such decision or action, or may grant exceptions to, or waive requirements of, or grant a variance from the specific provisions or rules. The city administrator shall give due consideration to the purposes of the rules in preserving public safety and convenience, integrity of public infrastructure, and the operational safety and function of the public right-of-way.
- (f) If a permittee still deems himself aggrieved after the appeal to the city administrator, such permittee shall have thirty (30) days after the effective date of the city administrator's final decision to institute an action in the circuit court of St. Louis County, Missouri.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-91. - Indemnification.

A permittee operating under the provisions of this article shall fully indemnify, release, defend and hold harmless the city and agents of the city when acting in their capacity as municipal officials, employees and agents, from and against any and all claims, demands, suits, proceedings, and actions, liability and judgment by other persons for damages, losses, costs, and expenses, including attorney fees, to the extent caused by negligent acts or omissions of the permittee or those under the control of the permittee in the performance of the permitted work. The city agrees to timely notify permittee of such claim, demand, suit, proceedings, and/or action by providing written notice to permittee. Nothing herein shall be deemed to prevent the city, or any agent thereof, from participating in the defense of any litigation by their own counsel at their own expense. Such participation shall not under any circumstances relieve the person from the duty to defend against liability or its duty to pay any judgment entered against the city, or its agents

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-92. - Force majeure.

Each and every provision hereof shall be subject to acts of God, fires, strikes, riots, floods, war and other circumstances beyond the ROW-user's or the city's control.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-93. - Federal, state and city jurisdiction.

This article shall be construed in a manner consistent with all applicable federal, state, and local laws. Notwithstanding any other provisions of this article to the contrary, the construction, operation and maintenance of the ROW-user's facilities shall be in accordance with all laws and regulations of the United States, the state and any political subdivision thereof, or any administrative agency thereof, having jurisdiction. In addition, the ROW-user shall meet the most stringent technical standards set by regulatory bodies, including the city, now or hereafter having jurisdiction. The ROW-user's rights are subject to the police powers of the city to adopt and enforce ordinances necessary to the health, safety, and welfare of the public. The ROW-user shall comply with all applicable laws and ordinances enacted pursuant to that power. Finally, failure of the ROW-user to comply with any applicable law or regulation may result in a forfeiture of any permit, registration or authorization granted in accordance with this article.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-94. - Severability.

If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-95. - City's failure to enforce.

The city's failure to enforce or remedy any noncompliance of the terms and conditions of this article or of any permit granted hereunder shall not constitute a waiver of the city's rights nor a waiver of any person's obligations as herein provided.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-96. - Penalties.

- (a) Any person or entity violating any provision of this article is guilty of a public offense, and upon conviction thereof shall be fined in a sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00). Every day that this article is violated shall constitute a separate offense.
- (b) The violation of any provision of this article is hereby deemed to be grounds for revocation of the permit and registration to operate within the city.
- (c) The city shall have the authority to maintain civil suits or actions in any court of competent jurisdiction for the purpose of enforcing the provisions of this article. In addition to any other remedies, the city attorney may institute injunction, mandamus or other appropriate action or proceeding to prevent violation of this article.

(Ord. No. 3746, § 4, 9-10-02)

Sec. 24-97. - Reservation of rights.

(a) In addition to any rights specifically reserved to the city by this article, the city reserves unto itself every right and power which is required to be reserved by a provision of any ordinance under any registration, permit or other authorization granted under this article. The city shall have the right to waive any provision of this article or any registration, permit or other authorization granted thereunder, except those required by federal or state law, if the city determines as follows:

- (1) That it is in the public interest to do so; and
- (2) That the enforcement of such provision will impose an undue hardship on the person affected thereby.

To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of the city. Further, the city hereby reserves to itself the right to intervene in any suit, action or proceeding involving the provisions herein.

(b) Notwithstanding anything to the contrary set forth herein, the provisions of this article shall not infringe upon the rights of any person pursuant to any applicable state or federal statutes, including, but not limited to, the right to occupy the right-of-way.

(Ord. No. 3746, § 4, 9-10-02)

Chapter 25 - TAXATION^[1]

Footnotes:

--- (1) ---

Editor's note—*The city has by ordinance and contract with St. Louis County provided for methods of collection of real and personal property taxes. (Code 1965, § 4.28)*

Cross reference—*Administration, Ch. 2; licenses and business regulations, Ch. 13; motor vehicles and traffic, Ch. 14; finance, § 2-81 et seq.; tax increment financing commission, § 2-84; road and bridge tax refund, § 2-111; merchants, manufacturers, service occupation and service business taxes, § 13-201 et seq.; special taxes against lots, § 24-38.*

State Law reference—*Taxation in fourth-class cities, RSMo 94.190 et seq.*

ARTICLE I. - IN GENERAL

Sec. 25-1. - Assessments.

Assessments of property in the city shall be made by the assessor of the county as provided by law.

(Code 1965, § 4.26)

State Law reference—*County assessors, RSMo Ch. 53; city assessor, RSMo 79.230; assessment of property, RSMo 94.190.*

Sec. 25-2. - Assessment assistance.

(a) In order to assist the assessor of the county in assessing all real and tangible personal property situated within the city, and subject to taxation under the laws of Missouri, it shall be the duty of the city clerk/collector to transmit, prior to the fifteenth day of each month, the following information pertaining to the city for the month next preceding: All changes in zoning from residential to local business or commercial and light industrial, and all special permits authorizing the use of land for local business or commercial or light industrial purposes.

(b)

The city clerk/collector shall transmit the information herein specified on such forms as shall be prescribed by the county assessor; provided that until such forms are so prescribed, the city clerk/collector shall devise and use such forms as he considers suitable for said purpose.

(Ord. No. 309, 6-26-56; Code 1965, § 4.27)

Sec. 25-3. - Delinquent taxes.

- (a) *Delinquent date.* Special tax bills shall become due when issued and shall become delinquent sixty (60) days after issuance, unless otherwise provided by ordinance. General taxes shall become delinquent on January first of each year.
- (b) *Interest; special taxes.* Special taxes shall bear interest at the rate of one (1) percent per month for the first eight (8) months of delinquency, and thereafter at eight (8) percent per year until paid, unless otherwise provided by ordinance for specific tax bills.

(Ord. No. 45, §§ I—III, 7-25-50; Code 1965, § 5.30; Ord. No. 1595, §§ 1, 2, 2-24-76)

Secs. 25-4—25-20. - Reserved.

ARTICLE II. - SALES TAX^[2]

Footnotes:

— (2) —

State Law reference— *City Sales Tax Act, RSMo 94.500 et seq.*

Sec. 25-21. - Established.

There is hereby established a sales tax in the amount of one and one-quarter (1¼) percent on the receipts from the sale at retail of all tangible personal property or taxable services at retail within the city.

(Code 1965, § 44.01; Ord. No. 1209, § 1, 6-23-70; Ord. No. 3275, § 1, 7-27-93)

Editor's note— Section 3 of Ordinance No. 3275, adopted July 27, 1993, called for an election to vote on a proposal to impose an additional sales tax. Such proposal was approved at the election held on November 2, 1993. Subsequently, § 1 of said ordinance, providing for such sales tax, was treated by the editor as superseding § 25-21.

Sec. 25-22. - Statutory regulations.

The tax provided for in this article is imposed to the extent and in the manner provided in sections 144.010 to 144.510, Revised Statutes of Missouri, and the rules and regulations of the director of revenue of the state, issued pursuant thereto.

(Code 1965, § 44.02; Ord. No. 1209, § 2, 6-23-70)

Sec. 25-23. - Disposition of receipts.

All revenues collected and received by the city from the tax imposed by this article shall be deposited in the city treasury to the credit of the general revenue fund.

(Code 1965, § 44.03; Ord. No. 1209, § 3, 6-23-70)

Sec. 25-24. - Tax established for funding capital improvements.

There is hereby established a sales tax in the amount of one-half (½) of one (1) percent on all retail sales made in the city, which are subject to taxation under the provisions of RSMo Sections 144.010 through 144.525, for the purpose of funding capital improvements, including the operation and maintenance of capital improvements.

(Ord. No. 3276, § 1, 7-27-93)

Editor's note— Section 3 of Ordinance No. 3276, adopted July 27, 1993, called for an election to be held on November 2, 1993, to submit to the voters a proposal to authorize sales tax for funding capital improvements, which tax would expire fifteen (15) years after its effective date. Such proposal was approved at said election. Section 1 of Ord. No. 3276, providing for such sales tax, did not specifically amend the Code; hence, codification as § 25-24 was at the discretion of the editor. Subsequently, Ord. No. 3733, adopted May 28, 2002, called for an election to be held on August 6, 2002, to submit to the voters a proposal to extend the fifteen (15) year expiration date on the capital improvements sales tax an additional fifteen (15) years; such proposal was approved at the election.

Sec. 25-25. - Tax established for purpose of providing revenues for operation of fire department.

Pursuant to Section 321.242, RSMo., there is hereby established a sales tax in the amount of one-fourth (¼) of one (1) percent on all retail sales made in the City of Crestwood which are subject to taxation under the provisions of Sections 144.010 to 144.525 RSMo., for the purpose of providing revenues for the operation of the City of Crestwood Fire Department.

(Ord. No. 3779, § 1, 5-13-03)

Editor's note— Section 3 of Ordinance No. 3779, adopted May 13, 2003, called for an election to be held on August 5, 2003, to submit to the voters a proposal to authorize sales tax for the purpose of providing revenues for the operation of the fire department. Such proposal was approved at said election. Section 1 of Ord. No. 3779, providing for such sales tax, did not specifically amend the Code; hence, codification as § 25-25 was at the discretion of the editor.

Secs. 25-26—25-40. - Reserved.

ARTICLE III. - PUBLIC UTILITY TAXES^[3]

Footnotes:

— (3) —

State Law reference— *Power of city to license, tax and regulate certain businesses and occupations, RSMo 94.270.*

Sec. 25-41. - Definition.

As used in this article, the term "gross receipts" means the aggregate amount of all sales and charges of the commodities or services hereinabove described in the city during any period, less discounts, credits, refunds, sales taxes and uncollectible amounts actually charged off.

(Ord. No. 1885, § 1, 11-9-82)

Sec. 25-42. - Penalty.

Any person engaged in any business to which this article applies who violates any provision hereof shall be deemed guilty of an offense and upon conviction thereof shall be subject to a fine of not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00) for each such offense and

each day such violation continues shall be deemed a separate offense.

(Ord. No. 11, § 5, 9-27-49; Ord. No. 12, § 5, 9-27-49; Ord. No. 13, § 5, 9-27-49; Ord. No. 14, § 5, 9-27-49; Code 1965, § 39.08)

Sec. 25-43. - Water.

Every person or entity in the business of supplying or furnishing water or water services in the City of Crestwood shall pay to the city, as an annual license or occupational tax, an amount equal to six (6) percent of the gross receipts derived from residential subscribers within the city and a license or occupational tax of seven (7) percent of the gross receipts derived from commercial subscribers within the city.

(Code 1965, § 39.01; Ord. No. 1157, § 1, 12-9-69; Ord. No. 3947, § 1, 11-22-05; Ord. No. 3989, § 1, 7-25-06)

Sec. 25-44. - Gas.

Every person or entity in the business of supplying or furnishing gas or gas services in the City of Crestwood shall pay to the city, as an annual license or occupational tax, an amount equal to six (6) percent of the gross receipts derived from residential subscribers within the city and a license or occupational tax of seven (7) percent of the gross receipts derived from commercial subscribers within the city.

(Code 1965, § 39.02; Ord. No. 1159, § 1, 12-9-69; Ord. No. 3236, § 1, 10-6-92; Ord. No. 3239, § 1, 11-24-92; Ord. No. 3947, § 2, 11-22-05; Ord. No. 3990, § 1, 7-25-06)

Sec. 25-45. - Electricity.

Every person or entity in the business of supplying or furnishing electricity, electric power or electric service in the City of Crestwood shall pay to the city, as an annual license or occupational tax, an amount equal to seven-tenth (5.7) percent of the gross receipts derived from residential subscribers within the city and a license or occupational tax of seven (7) percent of the gross receipts derived from commercial subscribers within the city.

(Code 1965, § 39.03; Ord. No. 1160, § 1, 12-9-69; Ord. No. 2007, § 1, 5-28-85; Ord. No. 3947, § 3, 11-22-05; Ord. No. 3991, § 1, 7-25-06)

Sec. 25-46. - Telephone companies.

Pursuant to the provisions of Section 94.270 of the Revised Statutes of Missouri, every person now or hereafter engaged in the business of supplying or furnishing telephones or telephone service in the city shall pay to the city as a license or occupational tax six (6) percent of the gross receipts derived from such business within the city.

(Code 1965, § 39.04; Ord. No. 1158, § 1, 12-9-69; Ord. No. 3978, §§ 1—4, 4-25-06)

Sec. 25-47. - Payment.

On the thirty-first day of July, 1972, every person engaged in the business of supplying or furnishing water or water service, gas or gas service, electricity, electric power or electrical service or telephones or exchange telephone service in the city shall file with the city clerk/collector a sworn statement showing the gross receipts derived from such business in this city, for the period from January 1, 1972 through June 30, 1972, and at the same time pay to the city clerk/collector the tax due thereon at the rate set out in this

city clerk/collector a sworn statement of the gross receipts from such business for the previous calendar month and at the same time pay to the city clerk/collector the tax due on such gross receipts as above provided. It shall not be necessary to include in such statement, nor calculate the tax upon any receipts derived from any such services furnished the city or any other governmental unit therein.

(Code 1965, § 39.05; Ord. No. 1372, § 1, 7-25-72)

Sec. 25-48. - Inspection of books.

The city clerk/collector and such other persons as may be designated by the board of aldermen from time to time are hereby authorized to investigate the correctness and accuracy of the statement so filed and for that purpose shall have access at all reasonable times to the books, documents, papers and records of any person making such return in order to ascertain the accuracy thereof.

(Ord. No. 11, § 3, 9-27-49; Ord. No. 12, § 3, 9-27-49; Ord. No. 13, § 3, 9-27-49; Ord. No. 14, § 3, 9-27-49; Code 1965, § 39.06)

Sec. 25-49. - Property tax.

This article does not exempt any person to which this article is applicable from the payment to the city of the tax which the city levies upon the real or personal property belonging to such person.

(Ord. No. 11, § 4, 9-27-49; Ord. No. 12, § 4, 9-27-49; Ord. No. 13, § 4, 9-27-49; Ord. No. 14, § 4, 9-27-49; Code 1965, § 39.07)

Chapter 26 - ZONING AND SUBDIVISION REGULATIONS^[1]

Footnotes:

— (1) —

Editor's note—*This chapter is included herein as adopted in the 1965 City Code, and as subsequently amended. The words "this ordinance" are changed to "this chapter."*

Cross reference— *Administration, Ch. 2; buildings and building regulations, Ch. 7; flood damage control, Ch. 10; planning and development, Ch. 19; sewers, Ch. 21; signs, Ch. 22; streets and sidewalks, Ch. 24; zoning districts in fire limits, § 7-3; rezoning for municipal purposes, § 7-6; location of quonset type buildings, § 7-9; appeals and variances under flood damage control ordinance, § 10-14; owner's list of tenants in certain districts, § 13-36; noise regulations, § 16-18; "shopping center" defined, § 22-1; construction of sidewalks, § 24-51.*

State Law reference— *Zoning and planning, RSMo Ch. 89.*

Annotation—*An ordinance prohibiting aboveground construction of utility transmission lines invades the area of regulation vested in the Public Service Commission, Union Electric Co. v. City of Crestwood, 499 S.W.2d 480 (1973).*

A zoning ordinance may not regulate the location or method of transmission of high voltage electric energy through the city for delivery to several parts of the electric company's system in a metropolitan area, Union Electric Co. v. City of Crestwood, 562 S.W.2d 344 (1978).

ARTICLE I. - IN GENERAL^[2]

Footnotes:

— (2) —

Editor's note—*Section 3 of Ord. No. 3140, adopted Nov. 14, 1989, repealed Ord. No. 16 and all prior zoning ordinances of the city, except such provisions as related to subdivisions, codified in Art. III of this chapter. The editor, therefore, has deleted §§ 26-1—26-11, which pertained to zoning, and derived from Ord. No. 5, §§ 1—4, adopted May 10, 1949; Ord. No.*

16, Arts. I, II, X—XII, adopted Oct. 3, 1949; Ord. No. 59, §§ 1—4, adopted Dec. 21, 1950; Code 1965, §§ 21.02—21.04, 21.45—21.47, 21.49—21.51; Ord. No. 172, § 1, adopted April 27, 1954; Ord. No. 437, §§ 1, 2, adopted April 8, 1958; Ord. No. 1120, § 1, adopted May 3, 1969; Ord. No. 1531, § 1, adopted Oct. 8, 1974; and Ord. No. 1868, § 1, adopted July 13, 1982.

The new zoning ordinance of the city is codified as Art. IV of this chapter.

Secs. 26-1—26-20. - Reserved.

ARTICLE II. - RESERVED

Secs. 26-21—26-50. - Reserved.

ARTICLE III. - SUBDIVISIONS AND LAND DEVELOPMENT^[3]

Footnotes:

--- (3) ---

Editor's note—Section 2 of Ordinance No. 3384, adopted October 10, 1995, repealed §§ 26-81—26-103 in their entirety. Formerly, said sections pertained to subdivisions and derived from those ordinances as are listed in the Code Comparative Table. Section 1 of Ordinance No. 3384 added §§ 26-1—26-4, 26-11, 26-12, 26-21—26-24, 26-31—26-39, 26-51, 26-52, 26-61, 26-62, 26-71, 26-72, 26-81—26-83, 26-91, and 26-92. For purposes of classification, such sections have been included as §§ 26-51—26-61, 26-71—26-93, 26-101—26-113, 26-121, 26-122, 26-130.1—26-130.7, and 26-130.21—26-130.28 at the discretion of the editor.

Cross reference— Subdivision bonds, § 2-5; flood hazard reduction, § 10-31 et seq.; residential subdivision identification signs, § 22-39.

State Law reference— Regulations governing subdivision of land, RSMo 89.410; plats, RSMo 89.420 et seq.

DIVISION 1. - GENERALLY

Sec. 26-51. - Title.

This article shall be known as and may be cited as the "Crestwood Subdivision and Land Development Regulations."

(Ord. No. 3384, § 1(26-1), 10-10-95)

Sec. 26-52. - Intent and purpose.

This article is intended to be utilized in conjunction with article IV of this chapter to ensure that the development of land within the city occurs in a manner that protects, provides for and promotes the public health, safety, convenience, comfort, and general welfare of the residents of the city. Specific purposes of this chapter [article] include the following:

- (1) To ensure the orderly development or redevelopment of land;
- (2) To protect and conserve the value of buildings and other improvements, and minimize any adverse impact of development on adjoining or other nearby properties;
- (3) To ensure proper legal descriptions and documentation of subdivided land for the protection of both buyers and sellers of land;
- (4) To ensure that lot purchasers will receive a buildable, properly oriented lot, provided with adequate facilities to meet day-to-day needs;
- (5) To establish standards of design (and reference other sources of design standards and procedures) for subdivision improvements and improvements within unsubdivided

erosion control; and installation of street lighting;

- (6) To ensure a beneficial relationship between uses of land and buildings, and the street system, including safe access and maneuvering of fire trucks and other emergency vehicles;
- (7) To designate and define the powers and duties of the officials administering and enforcing this article; and
- (8) To establish penalties for the violation of this article.

(Ord. No. 3384, § 1(26-2), 10-10-95)

Sec. 26-53. - Applicability.

- (a) The provisions of this article shall apply to every subdivision of land into two (2) or more parcels, and including situations where there are proposed publicly dedicated streets, alleys, easements, parks, common areas, or other facilities. The provisions of this article shall also apply to developments subject to "planned development" approval under Article IV, Zoning, of this chapter.
- (b) The improvement plan requirements and land development standards, as contained in this article, shall also apply to unsubdivided developments, except for construction of improvements on single-family and two-family residential lots.
- (c) Every proposed subdivision of land within the city shall be submitted to the planning commission for its report and recommendation thereon to the board of aldermen. The final plat of any subdivision shall not be recorded in the office of the county recorder of deeds, unless and until such plat is approved in accordance with the provisions of this article.
- (d) The sale or transfer of small parcels of land to or between adjoining property owners, where such sale does not create additional lots, is exempt from the requirement of board of aldermen approval of a final plat. Prior to such sale or transfer and recording thereof, the property owners involved shall comply with the boundary adjustment provisions contained in sections 26-130.5 through 26-130.7 of this article.
- (e) Any court-ordered division of a tract of land shall comply with the requirements of this chapter [article].

(Ord. No. 3384, § 1(26-3), 10-10-95)

Sec. 26-54. - Validity and severability.

It is hereby declared to be the intention of the board of aldermen that the provisions of this article are severable. If any part of this article is declared invalid by any court of competent jurisdiction, such ruling shall not affect or impair the integrity or validity of the remainder of this article or its application to other persons, property or circumstances. The board of aldermen declares that provisions of this article not ruled to be invalid would have been enacted, even without the provisions ruled invalid.

(Ord. No. 3384, § 1(26-4), 10-10-95)

Sec. 26-55. - Definitions.

Abutting: Having a common border with, or being separated from such a common border by, a right-of-way, alley or easement.

Alley: A minor public or private right-of-way shown on a plat, providing secondary vehicular access to the rear or side of a lot, block, or parcel of land otherwise abutting a street.

As-built drawings: Improvement plans revised to show improvements as they were actually installed, including horizontal and vertical location of underground utilities and other underground facilities.

Benchmark: A definite point of known location and elevation, and set with a permanent monument. The identity and elevation shall be based on United States Geological Survey (USGS) datum. Benchmarks established by the 1981 Metropolitan St. Louis Sewer District (MSD) benchmark loop system, and official additions thereto, or the Missouri Highway and Transportation Department (MHTD) are acceptable benchmarks.

Building: See *structure*.

Building line: See *setback*.

Common ground: Natural or landscaped open space within or related to a development, not in individually owned lots, designed and intended for siting common facilities (e.g., recreation facilities and storm drainage detention facilities) and for the common use of the residents and property owners of the development. Common ground is intended to be synonymous with common open space, common land, and common area when used in the appropriate context.

Condominium: A form of property ownership occurring in accordance with the Uniform Condominium Act, Chapter 448, Revised Statutes of Missouri.

Corner lot: See *lot, corner*.

Developer: A person, firm or corporation undertaking land development activity, including the subdivision of land and other improvements to land pursuant to the requirements of this article.

Development: All structures and other modifications of the natural landscape, above and below ground on a particular site, including, but not limited to, grading, removal of trees, paving, installation of utilities, or the erection of structures.

Development, planned: Land under unified control to be planned and developed in a single development operation or a programmed series of development operations or phases. A planned development includes principal and accessory structures and uses strongly related to the character and purposes of the planned development. A planned development is built according to general and detailed plans for streets, utilities, lot and building location, landscaping, and the like. A planned development includes provisions for the operation and maintenance of common areas, facilities, and improvements that are for use by the occupants of the planned development, but which will not be provided, operated, or maintained at public expense.

Director: The director of public works or his designee.

Double frontage lot: See *lot, through*.

Easement: A grant of one (1) or more of the property rights by a property owner to, or for use by, the public, a corporation, or another person or entity for a specific purpose (e.g., for utility lines or ingress/egress).

Engineer, registered: A professional engineer registered in the State of Missouri.

Excavation: Any act by which earth, sand, gravel, rock or any other similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated or bulldozed, and shall include the conditions resulting therefrom.

Fill: Any act by which earth, sand, gravel, rock or any other similar material is deposited, placed, pushed, pulled or transported to a place other than the place from which it was excavated and shall include the conditions resulting therefrom.

Flag lot: See *lot, flag*.

Grade: See *slope*.

Grading: Excavation or fill, or any combination thereof, and shall include the conditions resulting from any excavation or fill.

Grading permit: A permit allowing the commencement of grading, excavation, or filling of land, but not permitting installation of site or building improvements requiring an improvements construction permit or a building permit.

Homeowners association: See *subdivision association*.

Improvements: Street pavement, sidewalk pavement, pedestrian way pavement, water mains, storm sewer facilities, sanitary sewer facilities, signs, survey monuments, landscaping, street lighting, and similar items, as distinguished from buildings and other structures requiring building permits for the erection thereof.

Improvements construction permit: A permit allowing the installation of improvements, in connection with the development of a subdivision or other land development.

Improvement plans: The engineering and landscape design drawings and specifications indicating types of materials, location, and construction details for the improvements associated with a subdivision or other land development.

Land development standards: Standards established in the regulations of this article which provide minimum standards of design and construction of land improvements, such as streets, sidewalks, utilities, grading, lighting, and similar improvements.

Land surveyor: A land surveyor registered in the State of Missouri.

Lot: A parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner: A parcel of land abutting two (2) road rights-of-way at their intersection.

Lot, double frontage: See *lot, through*.

Lot, flag: A lot with access provided to the bulk of the lot by a narrow corridor of property.

Lot lines: The lines bounding a lot, as defined herein.

Lot, through: A lot having its front and rear yards each abutting on a street (also known as "double frontage" lot).

Monument: A permanent land survey marker placed by a land surveyor in accordance with the current "Standards of Missouri Board for Architects, Professional Engineers and Land Surveyors and Department of Natural Resources."

Nonresidential subdivision or development: A subdivision or unsubdivided development whose principal use is commercial or industrial in nature. A mixed residential/office use, developed under the provisions of the "MxD" zoning district provisions (as per section 26-168, Article IV, Zoning), shall be considered a nonresidential development for purposes of this article.

Off-site: Any premises not located within the property to be subdivided or developed, whether or not in the same ownership of the developer requesting approval of the subdivision or development.

Owner: Any person, agent, firm or corporation having a legal or equitable interest in the property.

Pedestrian way: An improvement pathway designed to separate pedestrian traffic from vehicular traffic or otherwise provide for pedestrian traffic circulation on-site. For purposes of this chapter, "pedestrian way" does not include sidewalks.

Person: A corporation, firm, partnership, association, organization and any other group acting as a unit, as well as individuals. It shall also include an executor, administrator, trustee, receiver, or other representative appointed according to law. Whenever the word "person" is used in any section of this article prescribing a penalty or fine as to partnership or association, the word shall include the partners or members thereof, and, as to corporation, it shall include the officer, agents or members thereof who are responsible for any violation of such section.

Planning commission: The officially appointed planning, zoning and architectural review commission of the city.

Plat: A scaled map, plan, or layout of a tract indicating the subdivision of such tract in accordance with the requirements of this article.

Private street: See *street, private*.

Right-of-way: A strip of land reserved or acquired by dedication, prescription, condemnation, gift, purchase, or any other legal means occupied or intended to be occupied by a street, sidewalk, railroad, utility, sewer, or other similar use.

Setback (building line): The required minimum horizontal distance between the closest point of an exterior wall of a building or any projection thereon and the applicable property line or right-of-way line within which no structure can be placed, unless otherwise provided for in Article IV, Zoning.

Sidewalk: An improved pathway, located within a street right-of-way or easement along such street, designed to separate pedestrian traffic from vehicular traffic on such street.

Site: A tract of land upon which actual development exists or development is proposed.

Slope: The inclination from a horizontal reference line of the ground surface, and expressed by stating the horizontal distance relative to the amount of vertical rise or fall (e.g., two (2) horizontal units to one (1) vertical unit).

Street: A general term denoting a public or private way which affords the principal means of vehicular access to abutting property. The term includes all facilities which normally are found within a right-of-way. A street may be designated as a highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, court or other such terms, but shall not include pedestrianway or alley.

Street, collector (nonresidential): A street designed to carry traffic to/from the system of minor streets to/from the system of major streets; or a street located in any nonresidential zoning district, not including Watson Road or Sappington Road.

Street, cul-de-sac: A minor residential or nonresidential street, one (1) end of which is closed, and consists of a circular turnaround.

Street, minor (residential): A street which principally provides access to residential neighborhood properties, carries relatively low traffic volumes which are primarily generated within the immediate residential neighborhood, and is not designed or intended to serve as a collector street.

Street, private: Any street which is privately owned by owners in common (e.g., owners of lots in a subdivision development), and is used for vehicular traffic by the owners and those having express or implied permission from the owner.

Structure: That which is built or constructed, including, but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground.

Subdivision: Either or both of (a) a division or redivision of a tract of land into two (2) or more lots, or (b) the dedication or establishment of a street, alley, easement, or other public way in conjunction with or used in any such tract.

Subdivision association: A private, nonprofit association of property owners that operates and maintains various common properties of a subdivision or development.

Subdivision, major: See section 26-57.

Subdivision, minor: See section 26-58.

Tract: An area or parcel of land.

Trust indenture: Any recordable instrument by which common ground and improvements are held or maintained or which assessments in a subdivision are levied for the administration of specific maintenance obligations, or both.

Use: The purpose or activity for which land or a building thereon is designed, arranged or intended, or for which it is maintained.

Zoning district: A district, established by Article IV, Zoning, wherein certain use and development regulations apply to the land located within the district.

(Ord. No. 3384, § 1(26-11), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 1), 3-12-96)

Sec. 26-56. - Abbreviations.

[Abbreviations, as used in this article, shall have the following meanings:]

<i>ADA:</i>	Americans with Disabilities Act
<i>ADAAG:</i>	Americans with Disabilities Act Accessibility Guidelines
<i>DNR:</i>	Missouri Department of Natural Resources
<i>ft.:</i>	Feet
<i>FEMA:</i>	Federal Emergency Management Administration
<i>MHTD:</i>	Missouri Highway and Transportation Department
<i>MSD:</i>	Metropolitan St. Louis Sewer District
<i>USGS:</i>	United States Geological Survey

(Ord. No. 3384, § 1(26-12), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 2), 3-12-96)

Sec. 26-57. - Subdivisions—Major.

Major subdivisions require the submittal of a sketch plat and approval of a preliminary and a final plat, in accordance with the provisions of this article. A major subdivision is a subdivision having any of the following characteristics:

- (1) The subdivision involves the creation of more than four (4) lots;
- (2) The total area of the tract to be subdivided is greater than two (2) acres in size;
- (3) There are proposed publicly dedicated streets, alleys, easements, parks, or other public lands; or
- (4) Any subdivision of a tract of land for which a rezoning is required for all or a portion of the tract, including rezoning to a "PD" district.

(Ord. No. 3384, § 1(26-21.1), 10-10-95)

Sec. 26-58. - Same—Minor.

A minor subdivision is a subdivision that does not have any of the characteristics of a major subdivision, as described in section 26-57 above. Minor subdivisions are not required to comply with the sketch plat and preliminary plat provisions of this article.

(Ord. No. 3384, § 1(26-21.2), 10-10-95)

Sec. 26-59. - Compliance with Article IV, Zoning.

- (a) *Creation of lots.* No lot shall be created, nor property transferred from one (1) adjoining lot to another, that results in any lot, and/or the use thereof, failing to comply with the requirements of article IV of this chapter.
- (b) *Rezoning (zoning district map amendment).* When a proposed subdivision would require that the tract, or portion thereof, be rezoned, consideration of the preliminary plat and the rezoning petition shall take place concurrently. The planning commission report on the preliminary plat and the proposed rezoning shall be submitted to the board of aldermen. In no event shall the board of aldermen approve a final plat prior to the board adopting an ordinance approving the rezoning of the subject tract, or portion thereof.

(Ord. No. 3384, § 1(26-22), 10-10-95)

Sec. 26-60. - Rules of construction.

For the purpose of this article, certain rules of construction apply to the text as follows:

- (1) Words used in the present tense include the future tense; the singular includes the plural; and the plural includes singular, unless the context clearly indicates the contrary.
- (2) The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive.
- (3) The words and phrases expressly defined herein shall be given the defined meaning, unless indicated otherwise by the context.
- (4) Words and phrases which are not defined herein shall be given their usual meaning, except where the context clearly indicates a different or specified meaning.
- (5) The words "use" or "occupy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied."

(Ord. No. 3384, § 1(26-23), 10-10-95)

Sec. 26-61. - Computation of time.

- (a) Unless otherwise specifically provided, the time within which an action is to be taken shall be computed by excluding the first [day] and including the last day. If the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. When the period of time prescribed is less than seven (7) days, intermediate Saturdays, Sundays and holidays shall be excluded.
- (b) The time period legally required by law for public notices shall include all calendar days, unless specified otherwise by law.
- (c) Unless otherwise specifically provided, whenever a person has the right or is required to do some act within a prescribed period after the service of a notice or other paper upon him/her and the notice or paper is served by mail, three (3) days shall be added to the prescribed period.

(Ord. No. 3384, § 1(26-24), 10-10-95)

Secs. 26-62—26-70. - Reserved.

DIVISION 2. - SUBDIVISION REVIEW AND APPROVAL PROCESS

Sec. 26-71. - General procedures.

The following provides a brief summary of the steps in applying for and securing approval of any subdivision of land within the city. Subdivisions that qualify as a "minor subdivision" (see section 26-58) shall only be required to meet the requirements of the final subdivision plat stage.

Step 1: Pre-application sketch plat review (voluntary)

Step 2: Planning commission work session (voluntary)

Step 3: Preliminary subdivision plat

Step 4: Improvement plans, guarantees, and trust indentures

Step 5: Final (record) plat

(Ord. No. 3384, § 1(26-31), 10-10-95)

Sec. 26-72. - Pre-application review—Sketch plat review meeting.

Prior to applying for preliminary plat review, the prospective applicant may request a sketch plat review meeting with the director of public works. If the proposed plat is part of a planned development, this meeting shall satisfy the requirement for the pre-application conference for a planned development. The director of public works may request that other city department representatives attend this meeting. At this meeting, the prospective applicant shall provide general information on the proposed subdivision, including site location, existing site conditions, and a sketch plat of the proposed subdivision. The sketch plat meeting is a voluntary and informal procedure intended to benefit the prospective applicant by allowing for an exchange of ideas and information. No formal approval from the director of public works or other city staff is required prior to proceeding with the preliminary plat review and approval stage.

(Ord. No. 3384, § 1(26-32.1), 10-10-95)

Sec. 26-73. - Same—Contents of sketch plat.

The sketch plat shall be drawn at a scale of one (1) inch equals two hundred (200) feet or greater, which may be drawn in neat freehand form. The sketch plat, and any accompanying documents, shall include the following information, which may be based on sources other than field survey data.

- (1) Name, address, and telephone number of the owner of record, applicant (if different than the owner of record), engineer and/or land surveyor retained for preparing the plat.
- (2) Acreage, existing and proposed (if different) zoning classification of the tract to be subdivided.
- (3) The approximate location of all existing land uses and structures within the tract proposed to be retained or demolished and all land uses and structures within one hundred fifty (150) feet of the tract.
- (4) Existing and proposed trees or tree masses, including street trees.
- (5) Arrangement of all proposed lots and common areas.
- (6) Proposed location and width of street right-of-way, street pavement, alleys, and their relationship to the existing adjacent street system.
- (7) Proposed location of private access drives.
- (8) Location and size of existing and proposed utility lines and easements.
- (9) The generalized drainage scheme, including proposed detention/retention facilities (show contour intervals of five (5) or less).

(10) A north arrow and scale.

(Ord. No. 3384, § 1(26-32.2), 10-10-95)

Sec. 26-74. - Same—Planning commission work session.

Prior to formal application for preliminary plat review, the applicant may submit the sketch plat for review at a work session held with the planning commission. This work session is not mandatory, but is highly encouraged. If the applicant wishes to take advantage of this work session, then the applicant shall request to be on the planning commission agenda and submit twelve (12) copies of the sketch plan documents to the director of public works at least fourteen (14) calendar days prior to the commission's next regularly scheduled meeting.

(Ord. No. 3384, § 1(26-32.3), 10-10-95)

Sec. 26-75. - Preliminary plat—Submittal requirements.

(a) *Information.* The preliminary plat shall be drawn at any scale, from one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet in any increments of ten (10) feet, on one (1) or more sheets not less than twenty-four (24) inches by thirty-six (36) inches or greater than thirty-six (36) inches by forty-two (42) inches in size. Also include a north arrow, scale, date, and revision date block on each sheet. The plat shall contain the following information:

- (1) The name of the proposed subdivision, which shall be original and not a duplication of the name of any previously recorded subdivision or development in the county.
- (2) A vicinity map showing the relationship of the tract to be subdivided to the surrounding community. The vicinity map shall cover an area within a radius of one (1) mile of the proposed subdivision at a scale of one (1) inch equals two thousand (2,000) feet. The map shall generally locate arterial streets, highways, railroads, and any significant landmarks which helps to locate the subdivision tract.
- (3) The approximate area of the tract and the proposed lots therein stated in the nearest tenth (0.1) of an acre.
- (4) Dimensions of:
 - a. The tract to be subdivided;
 - b. Each proposed lot intended for sale or lease;
 - c. Proposed common open space.
- (5) Sufficient existing and proposed contour data to indicate the slope and drainage of the tract and the high and low points thereof. Contour data shall extend one hundred fifty (150) feet beyond the limits of the subdivision boundaries. USGS data is required.
- (6) Delineation and widths of proposed street, alley, or other rights-of-way, including radii of curves, cul-de-sacs, and any additional rights-of-way along existing streets, as may be required by the city or other public entity having jurisdiction, indicating all rights-of-way proposed for dedication to the city or other public entity.
- (7) Building setback lines, including side yard, rear yard, or proper line setback associated with each proposed platted lot, in accordance with the applicable zoning district classification. For detached single-family or two-family dwelling type lots, building setback lines may be indicated in a typical lot detail.
- (8) Identification and delineation of any buffer areas required by Article IV, Zoning.

- (9) Identification and delineation of lots, streets, alleys, and easements associated with all adjoining subdivisions, drawn to the same scale in dashed lines (or half-toned) for a distance of one hundred fifty (150) feet from the boundaries of tract proposed to be subdivided.
 - (10) The results of any tests made to ascertain subsurface soil conditions and water table.
 - (11) The owners of record of land adjoining the area proposed to be subdivided.
 - (12) The existing zoning district classification(s) of the tract proposed to be subdivided and the adjoining properties, and the proposed zoning of the tract, if different.
 - (13) Proposed use of each lot within the proposed subdivision.
 - (14) The location of all existing storm sewer, sanitary sewer, water mains, gas mains, or other underground utilities within the tract to be subdivided, and off-site where proposed connections to the same are proposed.
 - (15) The location and width of all easements necessary to accommodate utilities serving the proposed subdivision.
 - (16) Preliminary site drainage system, designed in accordance with the requirements of the MSD and showing any proposed drainage swales, detention or retention areas, storm sewer pipes, culverts, and any other storm drainage improvements (including any off-site improvements).
 - (17) Preliminary layout of the sanitary sewer collection system, designed in accordance with the requirements of the MSD and showing pipe sizes, manhole locations, approximate flow line elevations, lift stations, and any other pertinent sanitary sewer facilities necessary to service the development.
 - (18) The delineation of FEMA-designated floodplain and floodway boundaries, if any.
 - (19) Any proposed alteration, adjustment, or change in the elevation or topography of any floodplain or floodway, as designated on the FEMA floodplain and floodway maps.
 - (20) Delineation of plat phases and anticipated time schedule, if the subdivision is to be constructed in phases.
 - (21) The location and identification of all existing trees, within the tract proposed to be subdivided, having a trunk size of eight (8) inches in diameter or greater, as measured five (5) feet above the ground, indicating which trees are to be removed and preserved.
 - (22) Other significant natural features such as rock outcroppings, sinkholes, and any other key natural features of the site.
 - (23) A certification by a registered engineer or land surveyor, who prepared the plat, indicating that the preliminary plat is a correct representation of all existing and proposed land divisions.
- (b) *Supplemental information.* [The following supplemental information shall/may be required:]
- (1) The following names and addresses (may be shown on the plat drawings):
 - a. The record owner or owners of the tract;
 - b. Applicant proposing the subdivision, if different than the record owner;
 - c. The party who prepared the plat and the engineer who will design the subdivision improvements, if retained at the preliminary plat stage.
 - (2) Evidence of the applicant's ownership interest (e.g., title, option contract) of the tract proposed to be subdivided.

(c)

Rezoning. When a proposed subdivision would require that the tract or portion thereof be rezoned, a rezoning petition shall be initiated by the applicant simultaneously with the application for preliminary plat approval.

(Ord. No. 3384, § 1(26-33.1), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 3), 3-12-96)

Sec. 26-76. - Same—Review procedure.

- (a) *Submission by applicant.* After the sketch plat review meeting and the planning commission work session (if elected by the applicant), the applicant shall submit thirty (30) copies of the preliminary plat and other information required by section 26-75 to the director of public works.
- (b) *Staff review.*
 - (1) *Completeness of submittal.* Upon receipt of the preliminary plat and associated documents, the director of public works shall review the documents to determine acceptability for submission. If the director determines the submittal is complete, then the submittal shall be date stamped.
 - (2) *Distribution.* As soon as practical after acceptance of the preliminary plat submittal, the director of public works shall distribute copies of the preliminary plat to the fire marshal and other city staff, as appropriate.
 - (3) *Staff review.* The director of public works shall review the preliminary plat and solicit comments from other city staff on such plat, with respect to meeting the requirements of this article, Article IV, Zoning, other applicable city regulations, and with respect to good site planning, both within the tract to be subdivided and its relation to the surrounding area. The director, with the input of other city staff, shall identify any deficiencies and site planning issues.
- (c) *Planning commission.*
 - (1) The planning commission shall consider the preliminary plat at the meeting scheduled for review of the subject plat. The commission shall recommend to the board of aldermen approval or disapproval of the preliminary plat. A vote of disapproval shall be accompanied by reasons for such action in the meeting minutes. In approving a preliminary plat, the commission may recommend conditions to be addressed and resolved.
 - (2) The planning commission shall take action on the preliminary plat within sixty (60) days of its consideration of such plat. Otherwise, the preliminary plat shall be deemed as recommended for approval by the commission, except that the commission, with the consent of the applicant, may extend this sixty-day period.
- (d) *Board of aldermen action.* As soon as practical after the planning commission makes its recommendation, the preliminary plat shall be forwarded to the board of aldermen for its consideration.
 - (1) The board of aldermen may approve the plat, with conditions as recommended by the planning commission, if any, or as the board may determine, by majority vote.
 - (2) If the board of aldermen vote is contrary to the planning commission's recommendation, then such vote shall be by a simple majority.

(Ord. No. 3384, § 1(26-33.2), 10-10-95)

Sec. 26-77. - Same—Effect of approval; period of validity.

- (a) Approval of the preliminary plat by the board of aldermen constitutes authorization for the applicant to proceed with preparation of the improvement plans and related documentation.
- (b)

The preliminary plat shall be valid for a period of one (1) year from the date of board of aldermen approval. In the case of phased developments, the period of validity for the first phase shall be one (1) year. Thereafter, application for final plat approval of subsequent phases shall be submitted to the director of public works within one (1) year after recording the previous phase. In no case shall any portion of a preliminary plat for a phased development be valid for more than three (3) years.

- (c) At such time the period of validity has expired, the board of aldermen approval of the preliminary plat shall become null and void. In this event, a resubmission of the preliminary plat shall be required if the applicant intends to pursue final plat approval. The board of aldermen may grant up to a one-year extension from the date that the period of validity expired. The board may deny such extension or reject the reapplication for the same preliminary plat proposal in light of new facts and circumstances relating to the preliminary plat.
- (d) In the event that preliminary plat approval has expired, and such plat involved rezoning all or a portion of the property comprising the subdivision plat, the board of aldermen may initiate actions to rezone the property to its original or other appropriate zoning district, in accordance with the procedures and requirements of the zoning regulations (see article IV, division 12 of this chapter).

(Ord. No. 3384, § 1(26-33.3), 10-10-95)

Sec. 26-78. - Same—Withdrawal of plat.

The applicant may, at any time, withdraw a preliminary plat from consideration. Such withdrawal shall be made in writing to the director of public works or in a public meeting before the planning commission or the board of aldermen. If the applicant desires to resubmit such plat, or modified version thereof, at a later date, then the entire review and approval procedure required by this division shall apply. Withdrawal of an application for preliminary plat approval shall not entitle the applicant to a refund of any required fees, nor shall any fees paid be credited to a future application for preliminary plat approval.

(Ord. No. 3384, § 1(26-33.4), 10-10-95)

Sec. 26-79. - Improvement plans—Approval by other agencies.

It shall be the applicant's responsibility to obtain any required approvals from public agencies and utility companies having jurisdiction or authority (e.g., MSD, Missouri Department of Natural Resources and the U.S. Army Corps of Engineers).

(Ord. No. 3384, § 1(26-34.1), 10-10-95)

Sec. 26-80. - Same—Submittal requirements.

- (a) *Preparation of plans.* All engineering-related plans and specifications shall be prepared, signed, and sealed by a registered professional engineer. Landscape plans shall be prepared by a landscape architect.
- (b) *Drawings.* Except as otherwise required herein, the improvement plans shall be drawn at any scale from one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet in any increments of ten (10) feet, on one (1) or more sheets not greater than twenty-four (24) inches by thirty-six (36) inches in size, which shall include a north arrow, scale, date, and revision date block on each sheet. The improvement plans shall contain the following information:
 - (1) *Title page and index.* The title page shall include the proposed name of the subdivision and show the name, address, and telephone number of the developer and the engineering/landscape design firm(s) who prepared the plans. If the set of improvement plans contain more than five (5)

sheets, not including the title sheet, then an index sheet shall also be provided.

- (2) *Key map.* If the subdivision is to be built in phases, provide a key map of the tract, showing the general layout of the entire subdivision which the applicable phase highlighted.
- (3) *Street and utility plans.*
 - a. *Plans and profiles.* Plans and profiles for streets, sanitary sewers, and storm sewers shall be drawn at a scale of one (1) inch equals fifty (50) feet horizontal and one (1) inch equals ten (10) feet vertical, or as otherwise approved by the director of public works.
 - b. *Streets and sidewalks.* Typical street cross-sections shall be shown with complete dimensions and construction information. Street profiles shall be provided, showing existing and proposed elevations at fifty-foot intervals on the center line and at points along the proposed street right-of-way, as measured along a line drawn perpendicular to the center line stations.
 - c. *Sanitary sewers.* Sanitary sewer plans shall show the alignment of all sewer mains, manhole locations, and proposed easement locations and dimensions. Specific drawing information shall be in accordance with the requirements of the MSD.
 - d. *Water distribution.* Water distribution plans shall show the alignment of all water mains, location of valves and fire hydrants, and proposed easement locations and dimensions. Specific drawing information shall be in accordance with the requirements of the St. Louis County Water Company and specifications established by the city fire marshal.
 - e. *Storm drainage plans.* See subsection (4)b. below.
 - f. *Lighting plans.* Show the location of proposed street lights and indicate the type of light standards, fixtures, and the rated output (lumens) of the light sources.
 - g. *Other utility plans.* Show proposed locations of any other utilities, including easements. Drawing information requirements for other utilities (e.g., electric, gas, telephone, cable television, etc.) shall be in accordance with the requirements of the applicable utility company.
- (4) *Grading, storm drainage, and erosion control plans.*

A grading plan and stormwater pollution prevention plan shall be submitted in accordance with the requirements of chapter 7, article III, Grading and Excavating.
- (5) *Landscape plans.* A landscape plan for street trees shall be submitted in accordance with the requirements of article IV, Zoning.
- (c) *Supplemental information requirements.* [The following supplemental information shall/may be required:]
 - (1) *Cost estimates.* Provide cost estimates for all site preparation and construction of improvements, in sufficient detail for verification and approval by the director of public works. Identify any reference sources of costs used in preparing the cost estimates, or the source of the cost estimate (e.g., if prepared by a utility company to be contracted to install certain improvements).
 - (2) *Evidence of review by others.* Provide written statements from (or correspondence from the developer to) the following agencies indicating that the improvement plans for the subdivision plat have been submitted for determination of compliance with their respective rules and standards:
 - a. Metropolitan St. Louis Sewer District;
 - b. Missouri Highway and Transportation Department, if access to the development is to be from

- c. St. Louis County Department of Highways and Traffic, if access to the development is to be from a county arterial road;
- d. Missouri Department of Natural Resources (see subsection (b)(4)d. above);
- e. U.S. Army Corps of Engineers; and
- f. Other agencies having review authority over any element of the proposed development.

(Ord. No. 3384, § 1(26-34.2), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 4), 3-12-96; Ord. No. 3888, §§ 1—3, 2-22-05)

Sec. 26-81. - Same—Review procedure.

- (a) *Submission by applicant.* After board of aldermen approval of the preliminary plat, the applicant shall submit to the director of public works six (6) copies of the improvement plans and other information required by section 26-80 to the director of public works. It shall be the applicant's responsibility to provide copies of improvement plans to the other applicable reviewing agencies or utilities.
- (b) *Staff review.* As soon as practical after receipt of the improvement plans, the director of public works shall distribute copies of the applicable documents to the fire marshal and other city staff, as appropriate. The director of public works, with the input of other city staff, shall review the improvement plans and shall:
 - (1) Determine compliance with the approved preliminary plat and compliance with the requirements of this article, and other applicable city regulations; and
 - (2) Verify accuracy of information provided, including cost estimates.
- (c) *Evidence of approval by other agencies or utilities.* The applicant shall provide evidence to the director of public works [of] the approval, or agreement to install improvements, from all applicable reviewing agencies/utility companies, including payment of any required inspection fees.
- (d) *Approval.* Upon determination by the director of public works that the improvement plans satisfy the requirements with this article, then such improvement plans shall be stamped as approved and dated.

(Ord. No. 3384, § 1(26-34.3), 10-10-95)

Sec. 26-82. - Same—Effect of approval; period of validity.

Approval of the improvement plans shall be valid for a period of two (2) years from the date of approval. If the construction of improvements has not been completed within the two-year period, the director of public works may grant an extension of up to one (1) year for completion. Any request for an extension shall be filed in writing with the director prior to the expiration of the approval. If construction has not been commenced within the two-year period, the approval shall be void.

(Ord. No. 3384, § 1(26-34.4), 10-10-95)

Sec. 26-83. - Same—As-built drawings.

After all required improvements, public or common private improvements, have been installed, but before final approval or acceptance, the developer shall submit as-built drawings of the improvements to the director of public works.

(Ord. No. 3384, § 1(26-34.5), 10-10-95)

Sec. 26-84. - Completion of improvements guaranteed—Completion deposits.

- (a) After the improvement plans have been approved and all inspection fees paid, but before approval of the final subdivision plat, the developer shall guarantee the completion of all required improvements in accordance with the regulations of this article. The developer shall either deposit cash or an irrevocable letter of credit under a deposit agreement with the city to guarantee the construction, installation and completion of the required improvements within the completion period approved by the director of public works, which shall not exceed two (2) years, except as such period may be extended as hereinabove provided.
- (b) No guarantee or deposit shall be given to the city for sanitary and storm sewer improvements, if the MSD confirms that its requirements for assurance of completion are satisfied. This provision shall not affect the intent or enforcement of any guarantee, escrow, or renewal, extension or replacement thereof for plats approved prior to the effective date of this article.

(Ord. No. 3384, § 1(26-35.1), 10-10-95; Ord. No. 3612, § 1, 4-11-00)

Sec. 26-85. - Same—Deposit agreement.

- (a) *Deposit agreement.* Deposit agreements shall provide that there shall be deposited with the city:
 - (1) A cash amount not less than the estimate of the cost of the construction, completion and installation of the improvements indicated on approved improvement plans and approved by the director of public works; or
 - (2) A sight draft irrevocable letter of credit which may be renewable, issued under the Uniform Customs and Practice for Documentary Credits (1983 Revision), International Chamber of Commerce Brochure No. 400, as amended, payable at a local financial institution, in an amount not less than the approved estimate of the cost of the construction completion and installation of the improvements indicated on the approved improvement plans, with final expiration date of not less than six (6) months after the initial period allowed for completion of required improvements, drawn in favor of the city and guaranteeing to the city the availability, from time to time upon demand, of the balance under the deposit agreement and letter of credit not theretofore released.
- (b) *Pre-approval of financial institution.* No financial institution shall be eligible to provide a letter of credit, unless approved in advance by the director of public works and the city attorney on such terms and criteria as may be established by the city.

(Ord. No. 3384, § 1(26-35.2), 10-10-95)

Sec. 26-86. - Same—Release/reduction of completion deposits.

The deposit agreement shall be held by the city and remain in effect until such time as the required improvements are completed in accordance with the requirements of this article. Partial releases of the cash deposit or reductions in the letter of credit shall be made as follows:

- (1) *Release/reduction.* The director shall partially release the cash deposit or reduce the letter of credit obligation for a category of improvement within thirty (30) days of completion of such category of improvement, minus a retention of five (5) percent. A category of improvement shall be deemed to be completed upon issuance of written approval from the appropriate inspecting public authority and determination by the director that such category of improvement has been completed in accordance with the applicable standards of this article.
- (2) *Release of balance.* The developer shall be responsible for any defects, deficiencies and damage to required improvements during the development of the subdivision. The remaining funds or the

in accordance with the standards of this article and the submittal of as-built drawings of the improvements, as required in section 26-83 hereof. If defects or deficiencies are found on inspection, same shall be corrected by the developer prior to the release of the remaining funds or the letter of credit.

(Ord. No. 3384, § 1(26-35.3), 10-10-95; Ord. No. 3612, § 2, 4-11-00)

Sec. 26-87. - Same—Failure to complete improvements.

- (a) The obligation of the developer to construct, complete and install the required improvements shall not cease until the developer shall be finally released. If, after the improvement completion period, the required improvements are not constructed, completed, or installed, or if the developer shall violate any provision of the deposit agreement as determined by the director, the director shall request the developer or letter of credit provider to show cause, within not less than ten (10) days, why the city should not declare the developer in default. If the developer or surety or letter of credit provider fails to cure any default or present compelling reason why no default should be declared, the director shall declare the developer in default and may take any one (1) or more of the following actions:
- (1) Deem the balance under the deposit agreement not theretofore released as forfeited to the city, to be used to bring about the completion of the required improvements or other appropriate purposes in the interest of the public safety, health, and welfare; or
 - (2) Require the developer to submit an additional cash sum or letter of credit sufficient to guarantee the completion of the required after recalculation in order to allow for any inflated or increased costs of constructing improvements.
- (b) If the director determines that forfeiture of the remaining deposit under subsection (a)(1) above will not allow completion of the required improvements and if the developer fails to comply with the director's requirements under subsection (a)(2) above, the director may suspend the right of anyone to build or construct on the undeveloped portion of the subdivision. For the purpose of this subsection, the undeveloped portion of the subdivision means all lots other than lots which have been sold for personal use and occupancy or are under bona fide contract for sale to any person for personal use or occupancy. The director shall give the developer ten (10) calendar days' written notice of an order under this subsection, with copies to all issuers of letters of credit who have outstanding obligations for any undeveloped portion of the subdivision, and shall record an affidavit of such notice with the recorder of deeds. If, within the ten-day period after notice is given, the director has not determined by compelling evidence that completion of the improvements is adequately assured, the director shall order construction suspended on the undeveloped portion of the subdivision. The order shall be served upon the developer, with a copy to the issuer of the letter of credit, and a copy recorded with the recorder of deeds. Public notice of such order shall be conspicuously and prominently posted by the director at the subdivisions or lots subject to such order. The notice shall contain the following minimum language, which may be supplemented at the discretion of the director:
- (1) If such notice is for a subdivision:

THIS SUBDIVISION, (name of subdivision), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC WORKS. NO DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS SUBDIVISION UNTIL SUCH TIME AS THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC WORKS

REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CRESTWOOD MUNICIPAL CODE.

(2) If such notice is for a lot:

THIS LOT, (lot number), HAS BEEN DECLARED IN DEFAULT BY THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC WORKS. NO DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER SHALL TAKE PLACE WITHIN THE LIMITS OF THIS LOT UNTIL SUCH TIME AS THE CITY OF CRESTWOOD DIRECTOR OF PUBLIC WORKS REMOVES THIS PROHIBITION. ANY DEVELOPMENT, CONSTRUCTION, BUILDING, OR DEMOLITION IN ANY MANNER WHILE THIS PROHIBITION IS IN EFFECT IS ILLEGAL AND SHALL BE ENFORCED PURSUANT TO THE CRESTWOOD MUNICIPAL CODE.

The suspension shall be rescinded in whole or in part only when the director has determined that completion of the improvements is adequately assured in all or an appropriate part of the subdivision.

(Ord. No. 3384, § 1(26-35.4), 10-10-95)

Sec. 26-88. - Maintenance of common areas and facilities—Trust indentures.

- (a) In any case where the establishment of common land (including pedestrian walkways and cul-de-sac islands), street lighting, drainage facilities (such as detention basins, drainage pipe, and ditches) or any other improvement requiring continuing maintenance, a trust indenture providing for such maintenance shall be recorded simultaneously with the final plat.
- (b) The trust indenture shall provide that the common land be used for the benefit, use, and enjoyment of the lot owners, present and future; for the proper maintenance and supervision by the trustees who are selected to act in accordance with the terms of such indenture and the applicable sections of this article; and that no owner shall have the right to convey such owner's interest in the common land except as an incident of ownership of a platted lot.
- (c) Common land shall be conveyed by the owner in fee simple absolute title by warranty deed to the subdivision association or trustees.
- (d) For single lot developments (e.g., commercial developments), the director may accept script certifying the means of maintenance, placed on the plat or separate instrument to be recorded simultaneously with the plat.
- (e) Any trust indenture required to be recorded, or recorded for the purpose of compliance with the provisions of this article or Article IV, Zoning, shall provide for not less than the following representation of purchasers of developed lots as trustees:
 - (1) One-third (1/3) of the trustees or officers shall be chosen by purchasers of developed lots after fifty (50) percent of the lots have been sold;
 - (2) Two-thirds (2/3) of the trustees shall be chosen by purchasers of developed lots after ninety-five (95) percent of the lots have been sold;
 - (3) All of the association trustees shall be chosen by purchasers of developed lots after all of the lots have been sold.
- (f) The term of the indentures for all types of subdivisions, including planned districts, shall be for the duration of the subdivision. In the event that the subdivision is vacated, fee simple title shall vest in the then lot or unit owners as tenants in common. The rights of the tenants in common shall only be exercisable annuitenant to and in conjunction with their lot ownership. Any conveyance or change of

ownership of any lot shall convey with it ownership in the common land, and no interest in the common land shall be conveyed by a lot owner except in the conjunction with the sale of a lot. The sale of any lot or unit shall carry with it all the incidents of ownership of the common land although such may not be expressly mentioned in the deed; provided, however, that no right or power conferred upon the trustees shall be abrogated.

- (g) Each trust indenture and warranty deed shall be accompanied by a written legal opinion from an attorney licensed to practice in the State of Missouri, setting forth the attorney's legal opinion as to the legal form and effect of the trust indenture and deed. The deed and trust indenture shall be approved by the city attorney prior to being filed with the county recorder of deeds simultaneously with the recording of the final plat.

(Ord. No. 3384, § 1(26-36.1), 10-10-95)

Sec. 26-89. - Same—Disclosure of responsibility for maintenance of streets.

- (a) [*Required.*] So long as there is a street not accepted by the city for maintenance within any subdivision, no person shall sell, or offer to sell, or advertise for sale, any dwelling unit or nonresidential property without disclosing to each prospective purchaser such purchaser's responsibility with respect subdivision streets in the manner required by this section. For purposes of this section, "prospective purchaser" includes any person making inquiry of any responsible party with respect to purchase of a lot or dwelling unit.
- (b) *Form of disclosure.* Disclosure shall be made to each prospective purchaser in substantially the following form:

THE CONSTRUCTION DESIGN OF THESE STREETS HAS BEEN APPROVED BY THE CITY AND OFFERED FOR DEDICATION TO THE CITY. UNTIL SUCH TIME AS STREETS ARE ACCEPTED BY THE CITY FOR MAINTENANCE, THE OWNERS OR HOMEOWNERS' ASSOCIATION WILL BE RESPONSIBLE FOR ALL REPAIRS AND MAINTENANCE.

Modification of the above language may be made only as necessary to plainly and accurately portray the current and future status of subdivision streets. Any reference in such disclosure to a board of trustees or similar persons shall reference the trust indenture which discloses the manner of selection of trustees and the manner in which any costs borne by such persons will be defrayed.

- (c) *Responsible parties.* The requirements of this section shall be complied with by any developer, development corporation, lender, title company, real estate broker, corporation, agent, manager or management corporation, and each agent or employee of the foregoing to the extent of involvement in marketing of property for sale.
- (d) *Specific requirements.* It shall be the responsibility of each responsible party to accomplish the disclosure required by this section. Without limiting the generality of this obligation, the disclosure, in any event:
 - (1) Shall be prominently posted in the sales office;
 - (2) Shall be contained in a contract for the sale of a lot or dwelling unit, and if not printed in "red lettering" or similar highlighting, shall be specifically pointed out to a prospective purchaser prior to execution of any such contract;
 - (3) Shall be printed in readily legible typeface on any map or plat used for marketing purposes.
- (e) *Exceptions.* The disclosure required by this section need not be made:
 - (1) In advertising by signage, radio, television, newspaper, or multiple listing service;

- (2) By a person presently owning and who has never owned within the subdivision or development more than the single unit which is offered for sale.
 - (f) *Pre-approval of modified disclosure.*
 - (1) Any proposed modification of the language of the required disclosure shall be submitted to the city attorney for approval, prior to use.
 - (2) The city attorney shall approve any modification which is factually accurate and serves to inform a prospective purchaser at least as well as the language set forth above.
- (Ord. No. 3384, § 1(26-36.2), 10-10-95)

Sec. 26-90. - Final (record) plat—Submittal and information requirements.

The final plat shall be drawn at any scale, from one (1) inch equals twenty (20) feet to one (1) inch equals one hundred (100) feet in any increments of ten (10) feet, on one (1) or more sheets not less than eight and one-half (8½) inches by fourteen (14) inches or greater than thirty-six (36) inches by forty-two (42) inches in size, including a north arrow, scale, date, and revision date block. The original of the final plat shall be drawn or photographically reproduced on mylar drafting film. Pen or laser plots on mylar film may be accepted so long as the image is permanent. All drafting on, and revisions to, any original shall be clearly legible so that the drawings are suitable for microfilming or digital scanning. The plat shall contain all the information required in a preliminary plat, but in its final form, subject to the following qualifications and additional information requirements:

- (1) All dimensions and bearings, both linear and angular, radii and arcs, necessary for locating the boundaries of the subdivision, blocks, lots, streets, alleys, easements, and any other areas for public or private use. The error of enclosure of the subdivision boundary survey shall not exceed one (1) foot for each ten thousand (10,000) feet of perimeter survey. The linear dimensions shall be expressed in feet and decimals of a foot.
- (2) Accurate distances and directions to the nearest permanent survey monument from which the survey was made.
- (3) Location and description of all survey monuments.
- (4) When lots are located on a curve or when side lot lines are at angles (from the street right-of-way) other than ninety (90) degrees, the width of lot at the front building setback line shall be shown.
- (5) The location and width of all easements necessary to accommodate utilities serving the proposed subdivision.
- (6) Accurate delineation of any property designated for dedication for public use (e.g., streets), or temporary public use (e.g., grading easements).
- (7) Names of streets.
- (8) Identification system for all lots and blocks.
- (9) Area in square feet for each lot or parcel, shown on the plat or on a supplemental sheet.
- (10) Zoning district classification, and zoning district boundary line when the subdivision is located in more than one (1) district. If the subdivision is coincident with a planned development district, the ordinance number which created the "PD" district shall be indicated.
- (11) Certification by a state registered land surveyor, who performed the property survey, to the effect that the plat represents a survey made by the surveyor, and that such survey complies with the *"Standards of Missouri Board for Architects Professional Engineers and Land Surveyors and*

Department of Natural Resources"; that the plat is a correct representation of all exterior boundaries of the land surveyed and the subdivision of it; and that all monuments indicated thereon actually exist and their location, size and material are correctly shown.

- (12) Form of certificate of approval by the planning commission.
- (13) Form of certificate of approval by the board of aldermen.
- (14) Boundary description of the subdivision, including the area of the subdivision to the nearest one-hundredth (100th) of an acre.

(Ord. No. 3384, § 1(26-37.1), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 5), 3-12-96)

Sec. 26-91. - Same—Review and approval procedure.

- (a) *Submission by applicant.* After the approval of improvement plans, the applicant shall submit thirty (30) copies of the final plat and other information required by section 26-90 to the director of public works.
- (b) *Staff review.*
 - (1) *Completeness of submittal.* Upon receipt of final plat and associated documents, the director of public works shall review the documents to determine acceptability for submission. If the director determines the submittal is complete, then the submittal shall be date stamped.
 - (2) *Distribution.* As soon as practical after acceptance of the final plat submittal, the director of public works shall distribute copies of the final plat to the fire marshal and other city staff as appropriate.
 - (3) *Staff review.* The director of public works shall review the final plat, and solicit comments from other city staff on such plat, to determine compliance with the approved preliminary plat, including any conditions of approval placed on the preliminary plat, and consistency with the approved improvement plans.
- (c) *Planning commission.*
 - (1) The planning commission shall review the final plat at the meeting scheduled for review of the final plat. The planning commission shall make a determination whether the final plat is in substantial compliance with the approved preliminary plat. The commission shall recommend to the board of aldermen approval or disapproval of the final plat. A vote of disapproval shall be accompanied by reasons for such action in the meeting minutes.
 - (2) The planning commission shall take action on the final plat within sixty (60) days of its consideration of such plat. Otherwise, the final plat shall be deemed as recommended for approval by the commission, except that the commission, with the consent of the applicant, may extend this sixty-day period.
- (d) *Prerequisites to forwarding final plat to board of aldermen.* Prior to the director of public works forwarding the recommendation of the planning commission regarding the final plat to the board of aldermen, the applicant shall provide to the director the following documents as they may be applicable:
 - (1) Certificate of clear title, prepared by a duly authorized title company stating that the signatures of all persons whose consent is necessary to the preparation and recording of such plat and to the offer of dedication of any streets and/or other public places are shown on the plat.
 - (2) The subdivision trust indenture and warranty deed for common land conveyance, accompanied by a letter of compliance from an attorney.

- (3) Guarantee of installation of water mains from the St. Louis County Water Company, if not to be installed by the developer of the subdivision.
 - (4) Verification of street names and addresses from the county department of revenue.
 - (5) Tax certificate or copy of paid tax bill for the property from the county collector of revenue.
 - (6) Verification that the subdivision name is not a duplicate of another subdivision name in the county from the county recorder of deeds office.
 - (7) Verification of payment of all inspection fees, where applicable.
 - (8) Letter from the MSD certifying connection fees have been paid.
 - (9) Deposit agreement (see sections 26-84 through 26-87).
- (e) *Board of aldermen action.* As soon as practical after the planning commission makes its recommendation and after the applicant complies with subsection (d)(1) through (9) above, the final plat shall be forwarded to the board of aldermen for its consideration. Upon determination that the final plat is in full compliance with the requirements hereof, the board shall adopt an ordinance approving such final plat.

(Ord. No. 3384, § 1(26-37.2), 10-10-95)

Sec. 26-92. - Recording of plat.

Following the recording of the final plat, one (1) recorded copy of the subdivision plat, bearing the county recorder's signature, seal, and notation as to plat book and page, shall be returned to the director of public works, along with similarly recorded copies of trust indenture and any other supporting documents required to be recorded by this article. Subject to the provisions of sections 26-130.1 through 26-130.4 hereof, relating to approved display plats, no building permits shall be issued prior to the director's receipt of the record plat and any applicable recorded documents.

(Ord. No. 3384, § 1(26-38), 10-10-95)

Sec. 26-93. - Plat approval not acceptance for maintenance of dedications.

Approval of a final plat does not constitute acceptance by the city for the maintenance of any streets, sidewalks, parks or other public facilities shown on the plat to be dedicated to the city. Such acceptance shall not occur until such time that the director of public works determines that the public improvements have been completed in a satisfactory manner.

(Ord. No. 3384, § 1(26-39), 10-10-95)

Secs. 26-94—26-100. - Reserved.

DIVISION 3. - LAND DEVELOPMENT STANDARDS

Sec. 26-101. - General policy.

The layout of a development, including the orientation of lots and structures thereon, shall be designed to provide desirable building sites logically related to topography, natural features, streets, parking areas, common land (if any), other structures, and adjacent land uses. Subdivisions and land development within the city shall consider surrounding land uses, both in terms of the impact of the proposed development on the surrounding area, and any existing or potential impacts of adjacent land uses on the proposed development. Due regard shall be given to natural features (such as large trees and watercourses), presence of historic landmarks or districts, the proximity and density of nearby residential areas, and any other on- or off-site conditions.

(Ord. No. 3384, § 1(26-51), 10-10-95)

Sec. 26-102. - Design standards—Compliance.

The subdivision or development shall comply with the standards contained in this article and any other detailed design criteria as specified by the director of public works, and any other utility companies or agencies having jurisdiction.

(Ord. No. 3384, § 1(26-52), 10-10-95)

Sec. 26-103. - Same—Streets, general.

- (a) Every street established after the effective date of this article shall be platted, designed and built in accordance with the requirements of this division.
- (b) Private streets shall be prohibited, except for private drives primarily intended to provide access to parking areas associated with multiple family residential developments, or road easements or cross-access easements associated with nonresidential developments.
- (c) Half-width streets shall be prohibited.
- (d) The street layout shall be appropriate for the type of development proposed and properly integrated with the street system in the area adjoining the development.
- (e) Residential streets shall be laid out to discourage through traffic, to permit efficient drainage and utility systems, and to provide convenient and safe access to lots.
- (f) In conjunction with satisfying the intent of subsection (e) above, residential streets shall interconnect with surrounding streets where determined to be necessary to permit the convenient movement and dispersion of traffic within the local neighborhood and/or would facilitate the access of emergency vehicles.
- (g) All dead-end streets shall be developed with a cul-de-sac turnaround, with a circular pavement provided in accordance with this section, unless the planning commission recommends, and the board of aldermen approves, an equally safe and maneuverable turnaround space. This turnaround requirement shall not apply to dead-end "stub" streets having no more than four (4) lots fronting thereto and which do not exceed two hundred fifty (250) feet in length as measured from the center line of the street intersection to the end of the stub street, provided that the planning commission and board of aldermen determine that such street provides a safe means of access for police, fire, and emergency vehicles.
- (h) Streets shall intersect, as nearly as possible, at right angles, and no street shall intersect with another at less than seventy (70) degrees. Not more than two (2) streets shall intersect at any one (1) point.
- (i) Whenever possible, proposed street intersections along one (1) side of a street shall coincide with existing or proposed intersections on the opposite side of such street. In any event, where a centerline offset ("jog") occurs at an intersection, the distance between the centerlines of the intersecting streets shall not be less than one-hundred and fifty (150) feet when the intersected street is a residential street, and not less than two-hundred (200) feet when the intersected street is a collector street or highway.
- (j) Street right-of-way shall not be placed adjacent to side or rear property lines of a lot, tract, or parcel in an established residential subdivision, except as is necessary to provide for future connections to adjoining unsubdivided tracts where recommended by the Planning Commission and approved by the Board of Aldermen. A minimum of a twenty-five (25) foot landscaped buffer, established as

common ground, shall be provided between the street right-of-way and the side or rear property lines of the lots, tracts, or parcels, associated with the established residential subdivision. Intersection roundings shall be exempt from this requirement.

- (k) Additional traffic lanes or other widening, pavement thickness, drainage facilities, granular base, traffic control devices, and other improvements may be required to accommodate traffic volumes projected to be generated by the development, unsuitable soil conditions, steep grades, or other conditions.

(Ord. No. 3384, § 1(26-52.1), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 6), 3-12-96)

Sec. 26-104. - Same—Streets, specific.

All streets shall comply with the standard specifications of the department of highways and traffic of the county, except as modified herein. The city may require additional right-of-way and/or improvements as may be required to accommodate the proposed development and its impact on adjacent streets. The director of public works may require that the applicant for subdivision plat approval provide a traffic study to assist in determining what additional improvements and/or right-of-way may be necessary. Where a development is accessed from a street or highway under the jurisdiction of the state or county, any required improvements thereon and intersecting streets or drives shall be designed and constructed in accordance with the requirements of the respective agency.

(1) *Minor (residential) street dimensional specifications:*

- a. Minimum right-of-way: Fifty (50) ft.
- b. Minimum pavement width (measured back to back of curbs): Thirty (30) ft.
- c. Cul-de-sac turnaround:
 - 1. Right-of-way radius: Fifty-four (54) ft.
 - 2. Pavement radius (to back of curb): Forty-two (42) ft.
- d. Intersection radii:
 - 1. Right-of-way: Twenty (20) ft.
 - 2. Pavement (as measured to back of curb): Thirty-two (32) ft.

The director of public works may permit comparable cut-offs or chords in lieu of rounded corners.

- e. Street pavement: Concrete only.
- f. Curb and gutter: Concrete, vertical or lip (rolled), with ADAAG compliant curb ramps provided at sidewalk intersections.
- g. Grades of streets:
 - 1. Maximum slope: Eight (8) percent
 - 2. Minimum slope: Two (2) percent

(2) *Nonresidential and collector street dimensional specifications:*

- a. Minimum right-of-way: Sixty (60) ft.
- b. Minimum pavement width (measured back to back of curbs): Thirty-eight (38) ft.
- c. Cul-de-sac turnaround:
 - 1. Right-of-way radius: Sixty-seven (67) ft.
 - 2. Pavement radius (to back of curb): Fifty-five (55) ft.

Exception: The planning commission may recommend, and the board of aldermen may approve, a pavement radius of forty-two (42) feet where parking or loading areas provide for suitable turnaround movements.

d. Intersection radii:

1. Right-of-way: Thirty (30) ft.
2. Pavement (as measured to back of curb): Forty-two (42) ft.

The director of public works may permit comparable cutoffs or chords in lieu of rounded corners.

e. Street pavement: Concrete only.

f. Curb and gutter: Concrete, vertical only, with ADAAG compliant curb ramps provided at sidewalk intersections.

g. Grades of streets:

1. Maximum slope: Six (6) percent
2. Minimum slope: Two (2) percent

(3) *Miscellaneous geometric requirements:*

- a. All pavement surfaces shall be centered within the right-of-way without exception.
- b. The minimum height of the street crown shall be determined by using a cross slope of two (2) percent, or as required by the geometric pavement design approved by the director.
- c. Intersections shall be designed with grades as level as possible, notwithstanding provisions for proper drainage. Approaches to intersections shall not have a grade exceeding three (3) percent for a distance of not less than one hundred fifty (150) feet, measured from the centerline of the intersecting street.

(4) *Street names:*

- a. Proposed through streets, which are continuations of, or in general alignment with, existing streets, shall bear the names of such existing streets.
- b. Except as required under subsection a. above, the name of a proposed street shall not duplicate the name of any existing or platted street within the county.
- c. All names of the streets proposed by the developer shall be approved by the county department of revenue, prior to submitting the final plat to the city for review.

(Ord. No. 3384, § 1(26-52.2), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 7), 3-12-96)

Sec. 26-105. - Same—Sidewalks and pedestrianways.

(a) *Requirements.*

- (1) Except as provided for herein, sidewalks shall be provided along both sides of any street, including around any cul-de-sac.
- (2) Sidewalks or pedestrianways may be required elsewhere within a development to provide access to parks, schools, public transportation facilities, common land, or similar areas, when the planning commission finds that such sidewalks or pedestrianways are necessary to promote public safety.
- (3) Sidewalks or pedestrianways shall be constructed in accordance with the specifications established by the director of public works. The minimum requirements for sidewalks shall be as

5-11-2000

- a. Residential sidewalks or pedestrianways shall be concrete, having a minimum thickness of four (4) inches and increased to six (6) inches at driveway entrances. The minimum width of sidewalks in residential developments shall be four (4) feet, except that wider widths may be required by the board of aldermen upon recommendation from the planning commission.
 - b. Nonresidential sidewalks shall be concrete, having a minimum thickness of four (4) inches and increased to seven (7) inches at driveway entrances. The minimum width of sidewalks in nonresidential developments shall be four (4) feet, except that wider widths may be required by the board of aldermen upon recommendation from the planning commission.
 - c. Sidewalks shall be handicapped accessible.
 - d. Where sidewalks do not presently exist along Watson Road (a state highway), sidewalks shall be provided; however, if the state highway and transportation department prohibits such sidewalks within the state right-of-way, then the sidewalks shall be placed in a public easement outside of the right-of-way.
- (4) Pedestrianways, as distinguished from sidewalks along streets, may be constructed with other suitable materials; use of such materials shall be subject to the approval of the director of public works when the developer can demonstrate that:
- a. Such pedestrianways would serve the residents of and visitors to the development as adequately as concrete sidewalks; and
 - b. Such pedestrianways would be more appropriate with respect to the overall design theme of the development.
- (b) *Variance procedure.* A developer may request a waiver from the requirement for sidewalks along a street, in accordance with the variance procedure outlined in section 26-130.27 of this article. The director of public works shall provide a report to the planning commission concerning the conditions within the street right-of-way involved with the request. The planning commission may recommend and the board of aldermen may approve a waiver in the following cases:
- (1) Where sidewalks are not deemed necessary for the public safety or where topographical or other conditions make their installation and use impractical;
 - (2) Where the applicant has submitted an alternative sidewalk plan that provides for more direct and safer movement of pedestrian traffic; or
 - (3) Where the applicant can demonstrate that justifiable conditions exist wherein the strict application of requirements contained in this section would:
 - a. Impose practical difficulties or particular hardship; or
 - b. Create additional sidewalks that would not be in the public interest, and public safety would be adequately accommodated without the sidewalks.

(Ord. No. 3384, § 1(26-52.3), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 8), 3-12-96)

Sec. 26-106. - Same—Lots.

(a) *General.*

- (1) Every lot shall have access from a public street, except for nonresidential lots accessed by a roadway easement or cross-access easement approved by the board of aldermen and recorded on a record or easement plat.
- (2) The minimum area of lots shall be in accordance with the regulations of the zoning district in which the lots are located (see article IV of this chapter).

The side lot lines of lots shall generally be at right angles to straight street lines, and radial to curved street lines, unless a deviation from this general standard would provide a better street and lot plan, in the judgment of the planning commission.

- (4) Through lots should be avoided, except where necessary to provide separation of the subdivision from major or secondary streets, or as otherwise required by topography or similar conditions.
- (5) Through lots shall have driveway access from the internal residential (local) street, unless it is impractical to do so because of topography or similar conditions.

(b) *Corner lots.*

- (1) Corner lots shall have adequate width to permit the required building setback lines from both streets (see Article IV, Zoning, of this chapter).
- (2) Corner lots, located at the intersection of a collector street and a residential (minor) street, shall have driveway access from the residential (local) street, if possible. Driveways shall be located as far from the street intersection as practical and shall not be located within the area described in Article IV, Zoning, subsection 26-183(f) of this chapter (sight distance triangle).

(c) *Flag lots.* Flag lots shall not be permitted.

(Ord. No. 3384, § 1(26-52.4), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 9), 3-12-96)

Sec. 26-107. - Same—Easements.

(a) *General requirements.*

- (1) In any case in which a developer installs or causes the installation of water, sanitary sewer, storm sewer, electrical power, telephone, cable television, or other facilities outside a public street right-of-way, and intends that such facilities shall be owned, operated, or maintained by a public utility or any entity other than the developer, the developer shall transfer to such utility or entity the necessary ownership or easement rights to enable the utility or entity to operate and maintain such facilities upon their completion and acceptance by the utility or entity. Such easements shall be clearly indicated on the final subdivision plat or special easement plat.
- (2) Where possible, easements should be located along rear and side lot lines. Such easements shall not be less than ten (10) feet in width, which may be divided evenly between abutting properties.

(b) *Storm drainage easements.*

- (1) Storm drainage easements may be required for the proper drainage within and through a development. Wherever a subdivision is traversed by a watercourse, drainage channel, or stream, there shall be provided a drainage easement which shall be for the purpose of widening, straightening, improving, and maintaining such drainageway. The width of the drainage easement shall be as necessary for the access and maintenance of the drainageway or as required by the MSD.
- (2) Access easements shall be established as necessary to provide an unobstructed route to the storm drainage easement area for maintenance equipment. Separately designated access easements shall not be less than twenty (20) feet or as specified by the MSD.

(Ord. No. 3384, § 1(26-52.5), 10-10-95)

Sec. 26-108. - Same—Utilities.

- (a) *Underground wiring required.* All electric, lighting, telephone, and cable television distribution lines shall be installed underground, except those feeder lines necessary to serve the development and in locations approved by the director of public works. Switching enclosures, pad mounted transformers,

recommendations from the planning commission, above-ground installations in whole or in part for developments, only when a request is submitted by the developer with documentation that supports the impracticability of installing such utility lines underground.

(b) *Water facilities.*

- (1) The developer shall secure water service to each lot within the development for the purpose of providing sufficient potable water supply and fire protection.
- (2) The developer shall arrange for installation of water mains. Fire hydrants shall be located and installed in accordance with specifications established by the city fire marshal.

(c) *Sanitary and storm sewers.*

- (1) Adequate sanitary sewer collection lines shall be provided and accessible to each lot. All sanitary sewers, sanitary sewer connections, manholes, and other sanitary sewer installations serving the development shall comply with MSD design standards and design standards established by the director of public works. In instances where there are differences between MSD standards and those established by the director of public works, the most restrictive standard shall apply. The developer shall be responsible for installing all required building service connections.
- (2) Every development shall be designed to control stormwater runoff. All storm sewers, storm sewer connections, detention/retention facilities, and other storm drainage improvements shall comply with MSD design standards and design standards established by the director of public works. In instances where there are differences between MSD standards and those established by the director of public works, the most restrictive standard shall apply.
- (3) Within the C-1 and M-1 zoning districts, all storm drainage detention facilities shall be installed underground.
- (4) In residential developments, drainage/retention facilities and land area required to provide access to such facilities shall be located within common ground. Drainage detention facilities or other storm drainage facilities that will not be maintained by the MSD shall be conveyed to the trustees of the subdivision for maintenance purposes, in accordance with sections 26-88 and 26-89 of this article.
- (5) In single-lot developments, drainage detention facilities or other storm drainage facilities that will not be maintained by the MSD shall be maintained by the property owner.
- (6) Drainage discharge. All drainage provisions shall be of such design to carry surface waters to the nearest practical storm drain, natural water course or street, as approved by the director. The finished grade of sites, one (1) acre or greater in area, from which all or a portion will drain into a natural and improved drainageway, shall be so designed so that stormwater runoff is intercepted by diversion swales or area inlets, and lowered to a stable outlet constructed of concrete, rip-rap, pipe or other techniques required by MSD or as specified by the director. The rate of discharge of surface water runoff shall be in accordance with the requirements of MSD, except that the director may require a more restrictive discharge rate in areas where flash flooding, bank erosion or other chronic stormwater drainage problems exist.

(d) *Other utilities.* The design and installation of other utilities (e.g., electric distribution, gas mains and services, telephone, and cable television) shall be provided at a service level necessary for the development [of], and in accordance with, the specifications, approval, and inspection requirements of the applicable utility company.

(Ord. No. 3384, § 1(26-52.6), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 10), 3-12-96)

Sec. 26-109. - Same—Lighting.

All public streets and sidewalks in subdivisions shall be sufficiently illuminated to promote the security of property and the safety of persons using such streets, sidewalks, or other common areas or facilities. Effort shall be made to provide uniform surface illumination so as to avoid dark spots or areas having significantly less light than the average illumination. Without limiting the generality of the foregoing standard, the following minimum standards shall apply:

- (1) *Decorative street light standards for residential districts.* All street light standards and fixtures within residential developments shall be of Early American style (Union Electric Stock #38-01-517 or #38-01-518 or equivalent), except where other light standards and fixtures may be necessary for increased lighting levels and coverage. All light standards and fixtures shall be subject to the approval of the director of public works.
- (2) *Illumination.* Street light fixtures shall be high-pressure sodium type. In residential districts, each fixture shall have a minimum nine thousand five hundred (9,500) lumen output, except that a higher lumen output may be required where determined necessary by the director of public works. In residential districts, the maximum initial illumination level, five (5) feet above the base of the light source, shall be no greater than three (3) footcandles, except at street intersections requiring higher illumination levels. In nonresidential districts, each fixture shall have twenty-five thousand five hundred (25,500) lumen output.
- (3) *Height.* The lighting source shall not be less than fifteen (15) feet or greater than twenty-five (25) feet above grade, except as may be required for major streets and highways.
- (4) *Location.*
 - a. *General.* Street lights shall be provided at each intersection of a street within the subdivision, on street frontage between intersections, at each intersection of a street with a sidewalk or pedestrianway, and at each cul-de-sac turnaround. Light standards shall not be located within three (3) feet of the back of the street curb. Where sidewalks are required, street light standards shall be located between the sidewalk and the street curb. Variations to the latter two (2) requirements may be approved by the director so long as proper illumination is achieved without impairing pedestrian and vehicular traffic safety.
 - b. *Residential subdivisions.* Residential streets shall have street lights installed at a maximum spacing of two hundred (200) feet.
 - c. *Nonresidential subdivisions.* Nonresidential streets shall have street lights installed at a maximum spacing of two hundred fifty (250) feet.
- (5) *Installation expense, maintenance and operation.* Street lights shall be installed at the expense of the developer. Upon acceptance of streets for maintenance by the city, the city will assume financial responsibility for the ensuing electric charges for street lights located in city street rights-of-way. All other lighting expenses shall be the responsibility of the property owner or the owners in common. In the latter case, the trust indenture, or similar instrument, as required in this article, shall provide for the assessment and collection of moneys necessary for the operation of the common lighting system.

(Ord. No. 3384, § 1(26-52.7), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 11), 3-12-96)

Sec. 26-110. - Same—Site grading and erosion control.

The minimum standards of grading and erosion control shall be as indicated in the requirements for a grading plan and stormwater pollution prevention plan as provided in chapter 7, article III, Grading and Excavating.

(Ord. No. 3384, § 1(26-52.8), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 12), 3-12-96; Ord. No. 3888, §§ 4—6, 2-22-05)

Sec. 26-111. - Same—Access for common land maintenance.

Whenever areas designated and platted as common land contain facilities for retention basins or recreational uses, and for which periodic maintenance requires the use of heavy equipment, access to the common land shall be of sufficient width and reasonably graded to permit access of such maintenance equipment.

(Ord. No. 3384, § 1(26-52.9), 10-10-95)

Sec. 26-112. - Same—Exceptional development constraints and testing.

- (a) *Exceptional development constraints.* Where there is a question as to the suitability of a proposed subdivision of land, or portion thereof, for its intended use, due to factors such as steep slopes, rock, soil conditions, high water table, flood conditions or other adverse natural physical conditions, the director may require test borings or other engineering investigations to determine the severity of such conditions. The director may withhold approval of improvement plans until engineering or other relevant studies are conducted by the applicant and are presented to the director, which establish that the methods proposed to alleviate any such conditions are adequate to avoid any danger to public health, safety, welfare, or proposed improvements or structures. The director may impose conditions on any applicable permit to ensure that the necessary measures are taken to solve the problems created by unsuitable land conditions.
- (b) *Construction testing.* The director may require that the developer take concrete cylinder or core samples and have laboratory tests conducted on same, and present same to the director, for street and sidewalk pavements to ensure compliance with design and construction requirements.

(Ord. No. 3384, § 1(26-52.10), 10-10-95; Ord. No. 3406, § 1(Exh. A, § 13), 3-12-96)

Sec. 26-113. - Same—Permanent markers.

- (a) *Survey monuments.* All subdivision boundary corners and the four (4) corners of all street intersections shall be marked with monuments. Such monuments shall be constructed in accordance with the "Standards of Missouri Board for Architects, Professional Engineers and Land Surveyors and Department of Natural Resources."
- (b) *Benchmark.* A permanent benchmark shall be accessibly placed, the elevation of which shall be based on USGS datum, and accurately noted on the final plat.

(Ord. No. 3384, § 1(26-52.11), 10-10-95)

Secs. 26-114—26-120. - Reserved.

DIVISION 4. - VACATION OF PLATS

Sec. 26-121. - Methods.

- (a) After recording an approved plat, it may be vacated by the owner of the land at any time before the sale of any lot therein, by a written petition to the board of aldermen, to which a copy of the plat is attached, indicating the area to be vacated.

- (b) When lots have been sold, but no buildings constructed thereon, the plat may be vacated in the manner provided in paragraph (a) above by all the owners of lots in the plat joining in the execution of a written petition.
- (c) The petition shall be filed, together with the required filing fee, with the city clerk, who shall give notice of the pendency of the petition in a public newspaper in the same manner as set forth in article IV of the city zoning code.
- (d) If no opposition be made to the petition, the board of aldermen may vacate the same with such restrictions as they may deem necessary for the public good. If opposition be made, the petition shall be set down for a public hearing before the board of aldermen.
- (e) The board of aldermen may vacate any city-dedicated right-of-way, or part thereof, in a manner prescribed by law and upon determining that the public interest will be served by such action.

(Ord. No. 3384, § 1(26-61), 10-10-95)

Sec. 26-122. - Recording.

The petitioner or petitioner's representative for plat vacation shall record the plat in the same manner as final plats are recorded and be required to comply with the same requirements (see section 26-92).

(Ord. No. 3384, § 1(26-62), 10-10-95)

Secs. 26-123—26-130. - Reserved.

DIVISION 5. - SPECIAL PROCEDURES

Sec. 26-130.1. - Dwelling unit display procedure—Purpose and intent.

The purpose of this section is to provide a procedure whereby the construction of display dwelling units can begin prior to the recording of the final subdivision plat.

(Ord. No. 3384, § 1(26-71.1), 10-10-95)

Sec. 26-130.2. - Same—Limitation on number of display units.

There shall not be more than three (3) display dwelling units for subdivisions proposing less than twenty (20) lots or units. One (1) additional display dwelling unit will be permitted for every twenty (20) lots or units, or fraction thereof beyond twenty (20). The total number of display dwelling units shall not exceed ten (10).

(Ord. No. 3384, § 1(26-71.2), 10-10-95)

Sec. 26-130.3. - Same—Review and approval procedure.

Subsequent to the planning commission approval of the preliminary plat, the developer may submit to the director of public works a display plat, and improvement plans associated with same, for review by the director.

- (1) *Display plat.* The display plat shall include a complete out-boundary survey of the proposed subdivision of land, and the location of each display dwelling unit in relation to the proposed lots, including location of easements and building setback lines. The term "DISPLAY PLAT" shall be prominently displayed on the plat drawing.

(2)

Improvement plans. The applicant shall submit improvement plans for the improvements required to serve the display dwelling units. The submittal requirements shall be in accordance with subsection 26-80(a) and (b), as applicable to the display plat lots or units.

- (3) *Approval required.* No grading permit, construction improvement permit, or building permit shall be issued for any development activity associated with a display plat until the director of public works has approved and has affixed his/her signature and dated the original of such display plat.

(Ord. No. 3384, § 1(26-71.3), 10-10-95)

Sec. 26-130.4. - Same—Other requirements.

- (a) The script on the display plat shall comply with the requirements of the director of public works including, but not limited to, the following:
- (1) The display plat shall become null and void upon the recording of the final (record) plat which establishes that each display dwelling unit is on an approved lot.
 - (2) No part of the proposed subdivision may be conveyed, nor an occupancy permit issued, for any display dwelling until the display dwelling unit has been established on an approved lot.
- (b) The display plat shall be executed by the owner and any lienholder.
- (c) All improvements serving the display dwelling units shall be substantially complete prior to the displays being open to the general public.
- (d) If initial construction of improvements or display dwelling units has not commenced within ninety (90) days of approval by the director of public works, such approval shall lapse and the display plat shall be null and void.
- (e) A final plat for the display plat portion of the subdivision, or the entire subdivision, shall be submitted, in accordance with sections 26-90 and 26-91, within one (1) year of approval of the display plat, by the director of public works. The developer may request a time extension and the board of aldermen may approve an extension, upon recommendation of same from the planning commission. If the final plat is not filed within the required time period or approved extension thereof, the then-owner shall remove or cause to be removed all display dwelling units from the property. Failure of the owner within one (1) year plus thirty (30) days of approval shall constitute the granting of authority of the city to remove or cause to remove the display dwelling units to be removed, the cost of which shall be borne by the owner and shall become a lien against the property.
- (f) The original copy of the approved display plat shall be filed in the office of the city clerk and a copy of same filed in the office of the director of public works.

(Ord. No. 3384, § 1(26-71.4), 10-10-95)

Sec. 26-130.5. - Boundary adjustments—Purpose and intent.

The purpose of this section and sections 26-130.6 and 26-130.7 is to allow adjustments to be made to lot lines of platted lots or other lawful parcels for the purpose of adjusting the sizes of building sites or to bring nonconforming lots of record into compliance with Article IV, Zoning. It is not intended that extensive replatting be accomplished by use of this section and sections 26-130.6 and 26-130.7.

(Ord. No. 3384, § 1(26-72.1), 10-10-95)

Sec. 26-130.6. - Same—Criteria.

- (a) No additional buildable lot shall be created by any boundary adjustment.

(h)

The affected lot or lots shall not be reduced below the minimum size and dimensional requirements of Article IV, Zoning.

(Ord. No. 3384, § 1(26-72.2), 10-10-95)

Sec. 26-130.7. - Same—Procedure.

- (a) The boundary adjustment shall be accomplished by plat or deed and must include an adequate legal description of the boundaries of the original lots and of the adjusted lots.
- (b) The boundary adjustment plat and/or deed shall be submitted to the director of public works for review. The director shall approve or disapprove the boundary adjustment. In the case of approval, the director shall issue a certificate indicating his/her approval of the boundary adjustment. In the case of disapproval, the director shall indicate, in writing, the reasons for such disapproval.
- (c) The boundary adjustment plat and/or deeds, and the certificate of approval of same, shall be recorded at the office of the St. Louis County Recorder of Deeds within sixty (60) days of approval. If the said plat and/or deeds, and certificate of approval, are not recorded within this period, the approval shall expire.
- (d) Following the recording of the boundary adjustment documents, one (1) original copy of the plat and/or deeds, bearing the County Recorder's signature, seal, and notation of plat book and page, and/or deed book and page, shall be returned to the director of public works.

(Ord. No. 3384, § 1(26-72.3), 10-10-95)

Secs. 26-130.8—26-130.20. - Reserved.

DIVISION 6. - ADMINISTRATION AND ENFORCEMENT

Sec. 26-130.21. - Fees, charges, and expenses.

The board of aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for plat and improvement plan review, permits, inspections, and other matters pertaining to this article. Such fees are in addition to any other fees required by other agencies or utility companies. The schedule of fees shall be posted in the office of the director of public works and may be amended only by the board of aldermen. No plat or improvement plan review shall be initiated, nor permits, waiver, or other approvals be issued, unless or until such applicable fees, charges, or expenses established by the board have been paid in full. No action shall be taken on proceedings before the board of aldermen, unless or until such fees have been paid in full.

(Ord. No. 3384, § 1(26-81), 10-10-95)

Sec. 26-130.22. - Permits—Grading (on-site excavation and filling).

A grading permit shall be required in accordance with chapter 7, article III, Grading and Excavating. This permit shall not be issued for new development until all improvement plans have been approved.

(Ord. No. 3384, § 1(26-82.1), 10-10-95; Ord. No. 3394, § 1, 1-23-96; Ord. No. 3888, §§ 7—9, 2-22-05)

Sec. 26-130.23. - Same—Improvement construction.

- (a) *Applicability.* Prior to the construction of improvements required under this article, an improvement construction permit shall be obtained in accordance with this section.
- (b) *Issuance.* An improvement construction permit may be issued by the director of public works following approval of the improvement plans in accordance with this article.

Sec. 26-130.24. - Duties of director of public works.

This [The] provisions of this article shall be administered and enforced by the director of public works, who shall have the following duties and authority with respect this article:

- (1) Shall serve as the administrative officer in charge of carrying out the intent of this article.
- (2) May supplement the standards contained in this article with additional engineering design standards, as necessary to accomplish the purposes and intent of this article.
- (3) May designate one (1) or more additional members of the department, as well as members of other city departments who have a particular skill or competence, to act for the director of public works, and the term "director of public works," as used elsewhere in this article, shall be deemed to include such deputies.
- (4) May cause the cessation of any construction or reconstruction of any land improvements which are in violation of this article by issuing a stop work order.
- (5) May refer any violation of this article to the city attorney for prosecution or other appropriate action when deemed necessary.
- (6) May adopt such administrative policies as necessary for carrying out administration and enforcement responsibilities.

(Ord. No. 3384, § 1(26-83.1), 10-10-95)

Sec. 26-130.25. - Inspection of land and improvements.

The director of public works is authorized to inspect or cause to be inspected any land in the city, upon which any site grading or site improvements are proposed or are in progress, so as to ensure the compliance with the provisions of this article. The director or his/her designated representative shall present proper identification upon demand when entering upon any land or structure for purposes of this article.

(Ord. No. 3384, § 1(26-83.2), 10-10-95)

Sec. 26-130.26. - Violations and penalties.

- (a) No property description of any subdivision within the jurisdiction of this article shall be entitled to be recorded in the office of the county recorder of deeds or have any validity until it has been approved in a manner prescribed in this article. In the event that any such unapproved property description is recorded, it shall be considered invalid and the city attorney may cause proceedings to be instituted to have such plat or deed declared invalid.
- (b) Any person, firm, association, or corporation violating any provision of this article, or any employee, assistant, agent, or any other person participating or taking part in, joining, or aiding in a violation of any provision of this article, may be prosecuted as provided by law for the violation of ordinances of the city.
- (c) Any such person who, having been served with an order to remove any such violation, fails to comply with the order within thirty (30) days after such order, or continues to violate any provisions of the regulations made under the authority of this article in the respect named in such order, shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).
- (d) In addition to the penalties hereinabove authorized and established, the city attorney may take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violation of this article.

(Ord. No. 3384, § 1(26-83.3), 10-10-95)

Sec. 26-130.27. - Waivers.

When a developer or subdivider of land can show that a provision of this article would cause unnecessary hardship if strictly adhered to, and when, in the opinion of the board of aldermen, because of conditions peculiar to the site, the board of aldermen may grant a waiver or modification to the provisions of this article. Any such waiver or modification thus approved shall be entered in the minutes of the board of aldermen meeting, and the reasoning on which the waiver or modification was justified shall be set forth. Approval of the waiver or modification by the board of aldermen shall be by ordinance, usually as part of the ordinance approving the final plat of the subdivision.

(Ord. No. 3384, § 1(26-91), 10-10-95)

Sec. 26-130.28. - Amendments.

The provisions of this article may be amended from time to time by ordinance. Amendments shall be made in accordance with the procedures for text amendments as established by article IV, division 12 of this chapter.

(Ord. No. 3384, § 1(26-92), 10-10-95; Ord. No. 3394, § 1, 1-23-96)

ARTICLE IV. - ZONING^[4]

Footnotes:

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Editor's note—Ordinance No. 3140, the zoning code of the city, adopted Nov. 14, 1989, did not specifically amend this Code; hence, inclusion of § 1(Arts. 1—15) as Art. IV, Divs. 1—15, was at the discretion of the editor. In order to maintain the format of the Code of the city, the editor has used a uniform system of capitalization and punctuation and changed "this ordinance" and "this zoning ordinance" to "this article."

DIVISION 1. - GENERALLY

Sec. 26-131. - Title.

This article shall be known and may be cited hereinafter as the "Zoning Ordinance of the City of Crestwood."

(Ord. No. 3140, § 1(1.01), 11-14-89)

Sec. 26-132. - Repeal of previous ordinance.

The City of Crestwood Zoning Ordinance 16, adopted on October 3, 1949, and all amendments thereto are hereby repealed effective coincident with the effective date of this article.

(Ord. No. 3140, § 1(1.02), 11-14-89)

Sec. 26-133. - Purpose.

The purpose of this article is to regulate and control the zoning of land and use of land and buildings within the city in order to promote public safety, health, and general welfare of the citizens. These regulations are specifically designed to:

- (a) Protect the character and stability of residential, commercial, industrial, recreation, and open space areas within the city and promote their orderly and beneficial development:

- (b) Provide privacy and convenience of access to property;
- (c) Regulate the intensity of land use and establish open areas surrounding buildings and structures necessary to provide adequate light and ventilation and to protect public safety and health;
- (d) Regulate and limit the height of buildings and structures;
- (e) Lessen and avoid congestion on streets by providing off-street parking and loading;
- (f) Regulate and limit the density of population;
- (g) Divide the city into zoning districts and establish, by reference to a map, the boundaries of said districts;
- (h) Fix reasonable standards to which land, buildings, structures, and their uses must conform;
- (i) Prohibit uses, buildings, or structures which are incompatible with the character of development or uses, buildings, or structures permitted within specified zoning districts;
- (j) Prevent illegal additions or alterations of existing buildings or structures;
- (k) Protect against fire, explosion, noxious fumes and odor, heat, dust, smoke, glare, noise, vibration, radioactivity, and other nuisances and hazards in the interest of public health, safety, and general welfare;
- (l) Prevent overcrowding of land and undue concentration of population;
- (m) Preserve and enhance the taxable value of land, buildings, and structures throughout the city and preserve features of historical significance;
- (n) Designate and define the powers and duties of the official(s) administering and enforcing this article; and
- (o) Provide penalties for the violation of this article.

(Ord. No. 3140, § 1(1.03), 11-14-89)

Sec. 26-134. - Validity and severability clause.

If any court of competent jurisdiction shall declare any part of this article to be invalid, such ruling shall not affect any other provisions of this article not specifically included in the ruling.

If any court of competent jurisdiction shall declare invalid the application of any provision of this article to a particular land, parcel, lot, district, use, building or structure, such ruling shall not affect the application of the provision to any other land, parcel, lot, district, use, building, or structure not specifically included in the ruling.

(Ord. No. 3140, § 1(1.04), 11-14-89)

Sec. 26-135. - Compliance with regulations.

The regulations set by this article within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- (a) [*Permitted uses.*] No building shall be erected, converted, placed, enlarged, reconstructed, or structurally altered, nor shall any building or land be used except for a purpose and in the manner permitted in the district in which the building or land is located.
- (b) [*Use of land.*] No land required for yards, open spaces, or off street parking or loading spaces for an existing building or any building hereafter erected or structurally altered shall be considered as required yards, open space, off-street parking or loading spaces for any other building.

- (c) [*Lots generally.*] Every building hereafter erected or structurally altered shall be located on a lot and in no case shall there be more than one (1) main building on one (1) lot except as otherwise provided in this article.
- (d) [*Conflicting provisions.*] The provisions of these regulations shall be considered the minimum requirements for the promotion of the public health, safety, morals, comfort and welfare. Where provisions of this article impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this article shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than this article, the provisions of such statute, other ordinance or regulation shall be controlling.
- (e) *Minimum lot size:* Land dedicated to street right-of-way shall not be included in computing minimum lot area for the purposes of this article.
- (f) *Vacated streets:* Whenever any street, alley or other public way is vacated, the zoning districts adjoining each side of such street, alley, or any other public way shall be automatically extended to the center of such vacation and all area included in the vacation shall then and henceforth be subject to all regulations of the extended districts.

(Ord. No. 3140, § 1(1.05), 11-14-89)

Secs. 26-136—26-140. - Reserved.

DIVISION 2. - RULES OF CONSTRUCTION AND DEFINITIONS

Sec. 26-141. - Rules of construction.

For the purpose of this article, certain rules of construction apply to the text, as follows:

- (a) Words used in the present tense include the future tense; and the singular includes the plural, unless the context clearly indicates the contrary.
- (b) The terms "shall" and "must" are mandatory and not discretionary; the words "may" or "should" are permissive.
- (c) Words and phrases defined herein shall be given the defined meaning. Words and phrases which are not defined shall be given their usual meaning except where the context clearly indicates a different or specified meaning.
- (d) The word "person" includes a firm, organization, association, partnership, trust, company, or corporation, as well as an individual.
- (e) The words "use" or "occupancy" shall include the words "intended", "designed", or "arranged" to be "used" or "occupied".

(Ord. No. 3140, § 1(2.01), 11-14-89)

Sec. 26-142. - Definitions.

The following definitions shall apply in interpretation and enforcement of this article, unless otherwise specifically stated:

Accessory building: A subordinate building having a use customarily incidental to, and located on the lot occupied by the main building. A building housing an accessory use is considered an integral part of the main building when it has any part of a wall in common with the main building, or is under an extension of the main roof and designed as an integral part of the main building. For the purposes of this

article, items such as basketball goals and uprights, bird baths, swing sets, and landscaping related site amenities such as benches, yard lighting, statuary and landscape timbers used to define yard areas shall not be considered accessory buildings for the purpose of yard requirements.

Accessory use: A use incidental and subordinate to the principal use of the premises.

Alley: A minor public or private right-of-way shown on a plat, providing secondary vehicular access to the rear or side of a lot, block, or parcel of land otherwise abutting a street.

Alteration: Any addition, removal, extension, or change in the location of any exterior wall of a main building or accessory building.

As-built plans: Construction plans revised to show a facility or structure as actually constructed and as it appears on the tract of land involved.

Atrium: An open public area within a building established principally for aesthetic purposes.

Automobile (automotive): As used herein, the term includes passenger cars, motorcycles, vans, trucks, and recreational vehicles.

Base flood: The flood elevation having a one-percent chance of being equalled or exceeded in any given year.

Basement: A floored and walled substructure of a building at least fifty (50) percent below the average finished grade of the building.

Block: An area of land that is entirely bounded by streets, highways, or right-of-way, except alleys, or between streets, highways, streams, parks, etc., or any other barrier, or combination thereof, to the continuity of development.

Building: (See "structure")

Building coverage: The proportion of the lot area, expressed as a percent that is covered by the maximum horizontal cross-section of a building or buildings.

Building height: The vertical distance from the average finished grade abutting a building or structure to the highest point of the roof of a building or highest point of any permanent part of a structure other than a building.

Building line: (See "setback line")

Carport: An open-sided shelter designed primarily for parked motor vehicles, whether attached to a house or detached. A carport may have as many as three (3) walls, or as few as none.

Cemetery: A place for burial of the dead, including crematory facilities as an accessory use.

Club, private: A building or premises used for social, recreational, dining or philanthropic purposes the normal use of which is limited to specific members, patrons or otherwise listed and enumerated persons.

Community center: A facility maintained by a public agency or by a not-for-profit community or neighborhood association primarily for social, recreational, or educational needs of the community or neighborhood.

Construction plans: The engineering drawings showing types of materials and construction details for physical structures and facilities.

Convenience store: A retail establishment having a gross floor area of five thousand (5,000) square feet or less, primarily selling foods as well as other household goods customarily sold in larger food markets and supermarkets.

Curb level: The mean level of the curb in front of the lot or in case of a corner lot, along that abutting street where the mean curb level is the highest.

Density: The number of dwelling units per acre of gross land area.

Drive-in or drive-through establishments: Any business so developed that its retail or services character is dependent upon serving patrons who remain in their motor vehicles in a driveway or parking spaces.

Dwelling: A building or portion thereof, designed exclusively for residential occupancy.

Dwelling, multiple-family: A building or portion thereof, arranged, intended or designed for occupancy by two (2) or more families.

Dwelling, single-family: A detached building arranged, intended, or designed for occupancy by one (1) family. For the purpose of this article, single-family dwelling shall include any not-for-profit home in which eight (8) or fewer unrelated mentally or physically handicapped persons reside, and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home.

Dwelling, single-family attached: Two (2) or more single-family dwellings sharing common wall areas, each on its own individual lot.

Engineer: A professional engineer registered in the state.

Family: An individual or any number of related persons, or a group of not more than three (3) unrelated persons, or two (2) unrelated non-transient adults and their dependents, including foster children, living together as a single nonprofit housekeeping unit, sharing a common kitchen facility, but not including group quarters such as dormitories, fraternities, sororities, motels, hotels, rooming houses or boarding houses.

Farm: A parcel of land used for commercially growing or raising agricultural products, including related structures thereon.

Fast food restaurant: Any establishment whose principal business is the sale of foods, frozen desserts, or beverages in ready-to-consume servings, for consumption either within the restaurant building or for carry-out, and where either:

Foods or beverages are usually served in edible containers or in paper, plastic, or other disposable containers, or where customers are not served their food or beverages of any type by a restaurant employee at the same table or counter where the items are consumed, or

(2) The establishment includes a drive-up or drive-through service facility or offers curbside service.

Floodplain: That area within the city subject to a one (1) percent, or greater, chance of flooding in any given year, as defined by the U.S. Army Corps of Engineers and The National Flood Insurance Act.

Floodway: That area derived by determining that portion of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

Floor area, gross: The sum of the gross horizontal area of all floors of a building including basement areas, as measured from the interior perimeter of exterior walls. Such area shall not include the following: interior loading and parking areas, atriums except first floor area, rooftop mechanical equipment enclosures, and the enclosed mall areas of shopping centers.

Frontage: The length of the property abutting on one (1) side of a street measured along the dividing line between the property and the street right-of-way.

Garage: An enclosed building primarily designed for motor vehicles. A garage can either be attached to the main house or detached and surrounded by open space.

Gasoline station (service station): Any structure or premises used for dispensing or sale, at retail, of vehicle fuels or lubricants, including lubrication of vehicles and replacement or installation of minor parts and accessories, but not engaged in major repair work such as engine replacement, body and fender repair, or spray painting.

Gymnasium: A building or portion thereof used for athletic training or sports activities, including accessory seating for spectators.

Height of buildings and structures: (See "building height.")

Heliport: A facility for the servicing, take-off, and landing of helicopters.

Home occupation: A domestic activity carried on by members of a family residing on the premises, but excluding beauty shops, barber shops, music schools, convalescent or nursing homes, tourist homes, massage or other establishments offering services to the general public (except as provided herein), and providing that there are no signs nor any display that will indicate from the exterior of the building that it is being utilized, in whole or in part, for any purpose other than that of a dwelling; providing, also, that there is no stock in trade or commodity sold upon the premises, no person is employed other than a member of the family residing on the premises, and no mechanical equipment is used except such as is customary for purely domestic or household purposes. The care and supervision of not more than four (4) children other than those residing on the premises shall be considered a permitted home occupation. An existing home occupation child care provider can exceed the four-child limit, to a maximum of six (6), only where additional children are siblings of one (1) or more of the children then being kept. Any state requirement applicable to the number of children being kept shall be complied with. If state requirements conflict with the limitations of this article, the expansion or modification will not be allowed.

Hospital: An institution providing medical and surgical care for humans only, for both in- and outpatients, including medical service, training, and research facilities, but excluding residential or outpatient facilities for the treatment of alcohol and other drug abuse.

Hotel or motor hotel (motel): A building in which lodging is provided to the public, usually on a transient basis.

Junk yard: A parcel of land upon which the principal or accessory use is the accumulation of used, discarded, or worn out materials, or manufactured products, any of which may or may not be reusable or salable.

Laundromat: A business that provides washing, drying or ironing machines or professional type cleaning or pressing equipment for hire to be used by customers on the premises.

Loading space: A space within the main building or on the same lot, providing for the standing, loading, or unloading of trucks.

Lot: A parcel of land intended to be separately owned, developed, and otherwise used as a unit.

Lot, corner: A parcel of land abutting two (2) road rights-of-way at their intersection.

Lot, coverage: Lot coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and include all projections other than open porches, fire escapes, or the first three (3) feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in the maximum lot coverage requirement. The percent of lot coverage shall be computed as follows:

Percent of lot coverage	=	Square feet of ground coverage of all <u>principal and accessory buildings divided</u> by total square feet of lot area multiplied by 100.
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Lot lines: The lines bounding a lot as defined herein.

Lot line, front: The boundary between a lot and the street right-of-way on which it fronts.

Lot line, rear: The boundary line or lines opposite and most distant from the front street right-of-way line; except that in the case of uncertainty the director of public works shall determine the rear line.

Lot line, side: Any lot boundary line not a front or rear line thereof; a side line may be a part lot line, a line bordering on an alley or place or a side street right-of-way line.

Lot (parcel) of record: A lot which is part of a subdivision, the plat of which has been legally approved by the city and recorded in the office of the recorder of deeds of the county.

Lot width: The horizontal distance between side lot lines, measured at the front building line.

Mall: An enclosed public way upon which business establishments have direct access and which serves primarily for the movement of pedestrians, with trees, benches, or other furnishings provided and with vehicular access prohibited, restricted, or reduced so as to emphasize pedestrian use.

Material improvement: Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (1) before the improvement or repair as started, or (2) if the structure has been damaged and is being restored, before the damage occurred. For the purpose of this definition, "material improvements" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or (2) any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

Mattress upholstery, retail: Retail sale of mattresses. For the purpose of such usage, mattress upholstery can be conducted, provided that the retail sale area occupies the frontage of the premises and not less than twenty-five (25) percent of the floor area, and the total area of the premises does not exceed five thousand (5,000) square feet. All mattresses upholstered on site shall be offered for retail sale only at said location.

Medical or dental office (clinic): A facility for the practice of medicine or dentistry for humans, including accessory diagnostic laboratories, and in-patient care and surgery, but not including operating rooms for major surgery or overnight care.

Motor vehicle: A vehicle which is self-propelled and primarily used for the transportation of persons. Motor vehicles include, but are not limited to, passenger cars, vans, trucks, and motorcycles.

Motor vehicle oriented business: Any commercial use which, by design, type of operation, and nature of business, has as one (1) of its functions, the provision of goods, merchandise or services to motorists or occupants of motor vehicles in a short time span for each, or the provision of goods, merchandise or services to the occupants of the motor vehicles while they remain in the vehicle. The list of businesses which constitute motor vehicle oriented businesses include convenience stores having a gross floor area of more than one thousand (1,000) square feet, gasoline service stations having convenience store facilities with a gross floor area of more than one thousand (1,000) square feet, drive-in banks, drive-in or drive-through restaurants, drive-in beverage sales, and car wash operations which are not accessory to an allowable use. This enumeration is not intended as an inclusive list of such businesses.

Nonconforming use, building or yard: A use, building or yard existing legally at the time of the passage of this article, or any amendment thereto, which does not, by reason of design, use, or dimensions, conform to the regulations of the district in which it is situated.

Nursing home: A building intended for use as a medical care facility for persons who need nursing care and medical service, but do not require intensive hospital care, licensed by the state.

Office: A building or portion of a building wherein services are performed involving predominantly administrative, professional, or clerical operations.

Office/warehouse: A building(s) whereby the principal uses are split between office use and warehouse/distribution uses and where the office use occupies the predominant building frontage along the side edge which faces the most primary street and where the office use constitutes not less than twenty-five (25) percent and not more than fifty (50) percent of the entire building.

Open storage: Storage of material or goods on the ground or platforms outside of a building.

Parcel (tract) of land: A separately designated area of land delineated by identifiable legally recorded boundary lines, which may or may not be a lot of record.

Parking area: An area of land used or intended for off-street parking facilities for motor vehicles.

Parking space: A useable space, durably paved and properly graded for drainage, enclosed in a main building or in an accessory building, or unenclosed, which is reserved for the temporary storage of one (1) vehicle, and connected to a street, alley, or other designated roadway by a paved aisle or driveway. Each such designated space shall comply with the dimensional requirements set forth in Division 7, Off-street parking and loading requirements.

Pave (pavement): The act or result of applying a hard, all-weather watertight material to any ground surface in such manner as to present a uniform surface in accordance with city standards.

Planning, zoning and architectural review commission: The officially appointed planning, zoning and architectural review commission of the city; the term may be abbreviated in this article as the "planning commission."

Plant nursery: A farm, garden, or other cultivated land together with accessory structures designed and intended to be used only for the cultivation and sale of live vegetation.

Plat: A subdivision of land legally approved.

Property line: The legally recorded boundary of a lot, tract, or other parcel of land.

Public use areas: Public parks, playgrounds, recreational areas, designated scenic or historic sites; school sites or sites for other public buildings, and other areas dedicated to public use.

Public utility facility, local: A public utility facility serving a local area only, such as an electric substation; a water or gas pumping or regulating station; telephone switching center; cable television distribution station; or other similar ground-mounted equipment.

Recreational vehicle: A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping and travel use and including, but not limited to, travel trailers, truck campers, camping trailers and self-propelled motor homes; and the term as used herein shall also include motorcycles, all-terrain vehicles, and trailers to include, but not be limited to, boat, motorcycle and utility trailers, and such other vehicles as may be registered as a recreational vehicles by the state.

Residence: A building which is designed or used exclusively for residential purposes, except hotels and motels.

Schools, nursery/pre-primary/day care: A place which provides shelter and personal care on a regular basis for five (5) or more preschool children who are not related within the third degree computed according to civil law to the operator, for four (4) or more hours per day, whether such place be organized or operated for profit or not. In the case of nursery school, children are primarily between the ages of three (3) and five (5).

Setback (building line): The required minimum distance from a road right-of-way or lot line that establishes the area within which a structure can be erected or placed, except as may be permitted elsewhere in this article.

Shopping center: A group of retail stores, planned and developed for the site upon which they are built and managed as a unit with offstreet parking provided on the property.

Sight distance triangle: The triangle area of a corner lot bound by the property lines and a line connecting the two (2) points on the property lines forty (40) feet from the intersection of the property lines.

Site plan: A plan, to scale, showing uses and structures proposed for a parcel of land as required by the regulations involved. It includes lot lines, streets, building sites, reserved open space, buildings, major natural and man-made landscape features, off-street parking or loading spaces, and depending on requirements, the locations of proposed utility lines.

Story: That part of a building included between the surface of one (1) floor and the surface of the floor next above, or if there be no floor above, that part of the building which is between the surface of a floor and the ceiling next above. A top story attic is a half story when the main line of the eaves is not above the middle of the interior height of such story. The first story is a half story when between fifty (50) and seventy-five (75) percent of the area of its exterior walls are exposed to outside light and air entirely above grade and which exterior walls contain windows or doors permitting the entrance of daylight and outside air.

Street: A general term denoting a public or private thoroughfare which affords the principal means of access to abutting property. The term includes all facilities which normally are found within the right-of-way; it shall also include such other designations as highway, thoroughfare, parkway, throughway, road, pike, avenue, boulevard, lane, place, court or other such terms but shall not include pedestrian way or alley.

Structural alterations: Any change in the supporting members of a building, such as bearing walls, columns, beams, or girder, or the addition of new electrical circuits or plumbing fixtures to the building.

Structure: That which is built or constructed, including but not limited to, buildings for any occupancy or use whatsoever, fences, signs, billboards, fire escapes, chute escapes, railings, water tanks, towers, open grade steps, sidewalks or stairways, tents or anything erected and framed of component parts which is fastened, anchored or rests on a permanent foundation or on the ground. For the purposes of this article, items such as basketball goals and uprights, bird baths, swing sets, and landscaping related site amenities such as benches, yard lighting, statuary and landscape timbers used to define yard areas shall not be considered a structure for the purpose of yard requirements.

Subdivision: The division of a parcel or tract of land into two (2) or more lots of any size for the purpose of sale, lease, or development, whether immediate or future.

Substantial construction, development or work:

- (1) In a project involving structures, the completion of excavation for footings and foundations.
- (2) In a project involving no structures or insignificant structures, the completion of grading.

Terminal: A depot building or area specifically designated for the storage or transfer of persons or material, or temporary storage and service of operable vehicles used in the transport of persons, goods or materials.

Use: The purpose or activity for which a piece of land or its buildings is designed, arranged, or intended, or for which it is occupied or maintained.

Vehicle repair facility: Any structure or premises conducting major vehicle repair work within enclosed service bays or stalls, including the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, or spray painting, but not including tire recapping or vulcanizing, or the outdoor storage of wrecked or otherwise damaged and immobilized vehicles.

Vehicle service center: Any structure or premises used for the servicing and minor repair of vehicles within enclosed service bays or stalls, including diagnostic services, lubrication of vehicles, and minor engine repair such as tune-ups, and the sale and installation of minor parts and accessories such as tires, batteries, shock absorbers, brakes, mufflers, and tail pipes. This use shall not include any establishment engaged in major repair work such as the installation or removal of engines, radiators, transmissions, differentials, fenders, doors, bumpers or other major body or mechanical parts, spray painting, tire recapping or vulcanizing, or the storage of wrecked or damaged and immobilized vehicles.

Veterinary clinic (animal hospital): A facility for the practice of veterinary medicine.

Warehouse: A structure for use as a storage place for goods, materials or merchandise.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the building shall be used. Where lots abut a street, all yards abutting the street shall be measured from the street right-of-way.

Yard, front: A yard across the full width of the lot extending from the front line of the main building to the front line of the lot.

Yard, rear: A yard between the rear lot line and the rear line of the main building and the side lot lines.

Yard, side: A yard between the main building and the adjacent side line of the lot, and extending entirely from a front yard to the rear yard.

(Ord. No. 3140, § 1(2.02), 11-14-89; Ord. No. 3176, § 1, 11-11-90; Ord. No. 3183, § 1, 3-21-91; Ord. No. 3237, § 1, 11-10-92; Ord. No. 3425, § 1, 8-27-96; Ord. No. 3672, § 1, 6-12-01; Ord. No. 4201, § 1, 9-22-09; Ord. No. 4231, § 1, 2-9-10)

Secs. 26-143—26-150. - Reserved.

DIVISION 3. - ZONING DISTRICTS AND OFFICIAL ZONING MAP

Sec. 26-151. - Establishment of districts.

The city is hereby divided into the following zoning districts as shown on the official zoning map, which together with all explanatory matter shown thereon is hereby adopted by reference and declared part of this article.

District Classification	Code Designation
R-1 single-family residential (20,000 s.f.)	R-1
R-2 single-family residential (15,000 s.f.)	R-2
R-3 single-family residential (10,000 s.f.)	R-3
R-4 single-family residential (7,500 s.f.)	R-4
R-5 single-family residential (6,000 s.f.)	R-5
C-1 local business	C-1
M-1 light industrial	M-1
PD-R planned development-residential	PD-R
PD-C planned development-commercial	PD-C
PD-M planned development-industrial	PD-M
PD-MXD planned development-mixed use	PD-MXD

(Ord. No. 3140, § 1(3.01), 11-14-89)

Sec. 26-152. - Changes to official zoning map.

If a change is made in a zoning district boundary, such change shall be made by the city administrator or his designee promptly after the ordinance authorizing such change shall have been adopted, with an entry on the official zoning map.

Sec. 26-153. - Availability.

The official zoning map shall be located in city hall and shall be available to public inspection.

(Ord. No. 3140, § 1(3.03), 11-14-89)

Sec. 26-154. - Interpretation of district regulations.

The director of public works shall interpret the provisions of this article as they pertain to the location of district boundaries where uncertainty exists as to the location of the district boundaries in relation to the official zoning map to the right of appeal to the board of zoning adjustment. The following rules for interpretation shall apply:

- (a) A boundary indicated as approximately following the centerline of a highway, street, alley, or easement shall be construed as following such center-line.
- (b) A boundary indicated as approximately following a recorded lot line or the line bounding a parcel shall be construed as following such line.
- (c) A boundary indicated as approximately following the corporate boundary line of a city, village, or township shall be construed as following such line.
- (d) A boundary indicated as following a railroad line shall be construed as being midway between the main tracks.
- (e) A distance not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (f) Where a physical feature existing on the ground is at variance with that shown on the official zoning map, or in any other circumstance not covered by paragraphs (1) through (5) above, the director of public works shall interpret the zoning district boundary.

(Ord. No. 3140, § 1(3.04), 11-14-89)

Sec. 26-155. - Saving clause.

All rights or remedies of the city are expressly saved as to any and all violations of any previous zoning ordinance or amendments thereto, at the time of the effective date of this article and the prosecutions of such violations shall not be abated by the enactment of this article.

(Ord. No. 3140, § 1(3.05), 11-14-89)

Secs. 26-156—26-160. - Reserved.

DIVISION 4. - SCHEDULE OF DISTRICT REGULATIONS

Sec. 26-161. - "R-1" single-family residential district.

- (a) *Purpose*: The district is composed of those areas of the city whose principal use is and ought to be single-family dwellings on large-sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- (b) *Permitted uses*: The listing of permitted uses is set out in Division 15 of these regulations.
- (c) *Conditional uses*: The listing of conditional uses is set out in Division 15 of these regulations.
- (d) *Regulations and performance standards*: The following regulations shall apply:

- a. Single-family dwellings shall be located on lots containing a minimum area of twenty thousand (20,000) square feet.
 - b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by Division 7.
- (2) *Minimum lot width and depth:* Minimum lot width shall be one hundred (100) feet measured at the building line and at least fifty (50) feet measured at the street right-of-way line. Minimum lot depth shall be one hundred fifty (150) feet.
- (3) *Lot coverage:* The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.
- (4) *Yard requirements:*
- a. Front yards: Not less than forty-five (45) feet.
 - b. Side yards: Not less than twelve (12) feet on each side of the dwelling.
 - c. Rear yard: Not less than thirty-five (35) feet or twenty (20) percent of the lot depth, whichever is larger, but not required to exceed fifty (50) feet.
- Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.
- (5) *Height requirements:*
- a. For buildings and structures: No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet, whichever is more restrictive.
 - b. For detached garages: No detached garage shall be higher than principal building or fifteen (15) feet. (See division 5, supplementary district regulations for additional regulations, for accessory buildings).
 - c. For other accessory structures or outbuildings: No detached accessory structure or outbuilding shall be higher than principal building or ten (10) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)
- (6) *Off-street parking:* Two (2) off-street parking spaces shall be provided for each single-family dwelling. (See division 7 for additional parking requirements).
- (7) *Landscaping requirements:* As regulated by division 11, landscape and streetscape standards.
- (8) *Exceptions:*
- a. Subject to the provisions of subsection (c) below, if a lot or tract of land has less area or width or both than required in the district regulations, that lot or tract may be used for any of the uses permitted by this section, including additions to existing structure and notwithstanding its nonconformance with this section, but in no instance shall there be a side yard of less than eight (8) feet on each side of the dwelling.
 - b. Front yard. There shall be a front yard having a depth of not less than forty-five (45) feet, unless forty (40) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than ten (10) feet, in which case no building shall project beyond the average front yard so established. Front yards shall be measured according to future street and highway widenings as provided for in city, county, or state street and highway widening plans, and shall comply with the setback lines herein provided for. Where

except that the buildable depth of such lot shall not be reduced to less than forty (40) feet, in which latter event the director of public works may waive this requirement and the reduced yard shall apply to the street which will least affect surrounding property.

- c. Nonconforming lots of record. Notwithstanding limitations imposed or exceptions provided by other provisions of this article, a single-family dwelling and customary accessory buildings or structures may be erected on any single lot of record at the effective date of adoption or amendment of this article. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership as of the date of adoption of this article or amendments thereto.
- d. Additions or alterations on nonconforming lots. A building permit may be issued by the director of public works for an addition to or alteration of an existing building which is located on a lot which is nonconforming only as to the side yard, provided that such addition or alteration does not increase such nonconformity and provided that all other provisions of the zoning ordinance are complied with.

(Ord. No. 3140, § 1(4.01), 11-14-89; Ord. No. 3378, § 1(a., b.), 9-22-95)

Sec. 26-162. - "R-2" single-family residential district.

- (a) *Purpose*: The district is composed of those areas of the city whose principal use is and ought to be single-family dwellings on large sized lots. The regulations of this district are designed to create and preserve a predominantly suburban character. In addition to the dwellings permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
 - (b) *Permitted uses*: The listing of permitted uses is set out in division 15 of these regulations.
 - (c) *Conditional uses*: The listing of conditional uses is set out in division 15 of these regulations.
 - (d) *Regulations and performance standards*: The following regulations shall apply:
 - (1) *Lot area*:
 - a. Single-family dwellings shall be located on lots containing a minimum area of fifteen thousand (15,000) square feet.
 - b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by division 7.
 - (2) *Minimum lot width and depth*: Minimum lot width shall be eighty (80) feet measured at the building line and at least fifty (50) feet measured at the street right-of-way line. Minimum lot depth shall be one hundred twenty-five (125) feet.
 - (3) *Lot coverage*: The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.
 - (4) *Yard requirements*:
 - a. Front yards: Not less than forty-five (45) feet.
 - b. Side yards: Not less than twelve (12) feet on each side of the dwelling.
 - c. Rear yard: Not less than thirty-five (35) feet or twenty (20) percent of the lot depth, whichever is larger, but not required to exceed fifty (50) feet.
- Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.

(5) *Height requirements:*

- a. For buildings and structures: No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet, whichever is more restrictive.
- b. For detached garages: No detached garage shall be higher than principal building or fifteen (15) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings).
- c. For other accessory structures or outbuildings: No detached accessory structure or outbuilding shall be higher than principal building or ten (10) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)

(6) *Off-street parking:* Two (2) off-street parking spaces shall be provided for each single-family dwelling. (See division 7 for additional parking requirements).

(7) *Landscaping requirements:* As regulated by division 11, landscape and streetscape standards.

(8) *Exceptions:*

- a. As regulated by section 26-161(d)(7)a.
- b. As regulated by section 26-161(d)(7)b.
- c. As regulated by section 26-161(d)(7)c.
- d. As regulated by section 26-161(d)(7)d.

(Ord. No. 3140, § 1(4.02), 11-14-89; Ord. No. 3378, § 1(c., d.), 9-22-95)

Sec. 26-163. - "R-3" single-family residential district.

(a) *Purpose:* The district is composed of those areas of the city whose principal use is and ought to be single-family dwellings on moderate to large sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

(b) *Permitted uses:* The listing of permitted uses is set out in division 15 of these regulations.

(c) *Conditional uses:* The listing of conditional uses is set out in division 15 of these regulations.

(d) *Regulations and performance standards:* The following regulations shall apply:

(1) *Lot area:*

- a. Single-family dwellings shall be located on lots containing a minimum area of ten thousand (10,000) square feet. For smaller lot sizes see section 26-168.
- b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by division 7.

(2) *Minimum lot width and depth:* Minimum lot width shall be seventy-five (75) feet measured at the building line and at least fifty (50) feet measured at the street right-of-way line. Minimum lot depth shall be one hundred twenty-five (125) feet.

(3) *Lot coverage:* The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

(4) *Yard requirements:*

- a. Front yards: Not less than thirty-five (35) feet, whichever is more restrictive.
- b. Side yards: No less than eight (8) feet on each side of the dwelling.

Rear yard: Not less than thirty (30) feet or twenty (20) percent of the lot depth, whichever is larger, but not required to exceed thirty-five (35) feet.

Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.

(5) *Height requirements:*

- a. For buildings and structures: No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet, whichever is more restrictive.
- b. For detached garages: No detached garage shall be higher than principal building or fifteen (15) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)
- c. For other accessory structures or outbuildings: No detached accessory building or outbuilding shall be higher than principal building or ten (10) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)

(6) *Off-street parking:* Two (2) off-street parking spaces shall be provided for each single-family dwelling. (See division 7 for additional parking requirements.)

(7) *Landscaping requirements:* As regulated by division 11, landscape and streetscape standards.

(8) *Exceptions:*

- a. As regulated by section 26-161(d)(7)a.; however, in no instance shall any side yard be less than six (6) feet.
- b. As regulated by section 26-161(d)(7)b.; however observing a minimum front yard setback of thirty-five (35) feet.
- c. As regulated by section 26-161(d)(7)c.
- d. As regulated by section 26-161(d)(7)d.

(Ord. No. 3140, § 1(4.03), 11-14-89; Ord. No. 3378, § 1(e., f.), 9-22-95)

Sec. 26-164. - "R-4" single-family residential district.

- (a) *Purpose:* The district is composed of those areas of the city whose principal use is and ought to be single-family dwellings on moderate sized lots. The regulations of this district are designed to create and preserve a predominantly urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.
- (b) *Permitted uses:* The listing of permitted uses is set out in division 15 of these regulations.
- (c) *Conditional uses:* The listing of conditional uses is set out in division 15 of these regulations.
- (d) *Regulations and performance standards:* The following regulations shall apply:

(1) *Lot area:*

- a. Single-family dwellings shall be located on lots containing a minimum area of seven thousand five hundred (7,500) square feet. For smaller lot sizes, see section 26-168.
- b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by division 7.

(2)

Minimum lot width and depth: Minimum lot width shall be sixty (60) feet measured at the building line and at least thirty-five (35) feet measured at the street right-of-way line. Minimum lot depth shall be one hundred twenty-five (125) feet.

(3) *Lot coverage:* The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

(4) *Yard requirements:*

- a. Front yards: Not less than thirty (30) feet.
- b. Side yards: Not less than seven (7) feet on each side of the dwelling.
- c. Rear yard: Not less than thirty (30) feet or twenty (20) percent of the lot depth, whichever is larger, but not required to exceed thirty-five (35) feet.

Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.

(5) *Height requirements:*

- a. For buildings and structures: No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet, whichever is more restrictive.
- b. For detached garages: No detached garage shall be higher than principal building or fifteen (15) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)
- c. For other accessory structures or outbuildings: No detached accessory structure or outbuilding shall be higher than principal building or ten (10) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)

(6) *Off-street parking:* Two (2) off-street parking spaces shall be provided for each single-family dwelling. (See division 7 for additional parking requirements.)

(7) *Landscaping requirements:* As regulated by division 11, landscape and streetscape standards.

(8) *Exceptions:*

- a. As regulated by section 26-161(d)(7)a.; however, in no instance shall any sideyard be less than six (6) feet.
- b. As regulated by section 26-161(d)(7)b.; however observing a minimum front yard setback of thirty (30) feet.
- c. As regulated by section 26-161(d)(7)c.
- d. As regulated by section 26-161(d)(7)d.

(Ord. No. 3140, § 1(4.04), 11-14-89; Ord. No. 3378, § 1(g., h.), 9-22-95)

Sec. 26-165. - "R-5" single-family residential district.

(a) *Purpose:* The district is composed of those areas of the city whose principal use is and ought to be single-family dwellings on small lots. The regulations of this district are designed to create and preserve a predominately urban character as evidenced by lot sizes, and street and drainage requirements. In addition to the dwelling permitted in this district, certain compatible recreational and public uses are conditionally allowed and strictly regulated to ensure harmony with the principal use of this district.

(b) *Permitted uses:* The listing of permitted uses is set out in division 15 of these regulations.

(d) *Regulations and performance standards:* The following regulations shall apply:

(1) *Lot area:*

- a. Single-family dwellings shall be located on lots containing a minimum area of six thousand (6,000) square feet. For smaller lot sizes see section 26-168.
- b. For uses other than dwellings, the lot area shall be adequate to provide the yard area required by this district and the off-street parking required by division 7.

(2) *Minimum lot width and depth:* Minimum lot width shall be fifty (50) feet measured at the building line and at least thirty-five (35) feet measured at the street right-of-way line. Minimum lot depth shall be one hundred (100) feet.

(3) *Lot coverage:* The maximum lot coverage by buildings or structures shall not exceed thirty (30) percent of the lot area.

(4) *Yard requirements:*

- a. Front yards: Not less than thirty (30) feet.
- b. Side yards: Not less than six (6) feet on each side of the dwelling.
- c. Rear yard: Not less than thirty (30) feet or twenty (20) percent of the lot depth, whichever is larger, but not required to exceed thirty-five (35) feet.

Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.

(5) *Height requirements:*

- a. For buildings and structures: No building or structure shall exceed a height of two and one-half (2½) stories, or thirty-five (35) feet, whichever is more restrictive.
- b. For detached garages: No detached garage shall be higher than principal building or fifteen (15) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)
- c. For other accessory structures or outbuildings: No detached accessory structure or outbuilding shall be higher than principal building or ten (10) feet. (See division 5, supplementary district regulations, for additional regulations for accessory buildings.)

(6) *Off-street parking:* Two (2) off-street parking spaces shall be provided for each single-family dwelling. (See division 7 for additional parking requirements.)

(7) *Landscaping requirements:* As regulated by division 11, landscape and streetscape standards.

(8) *Exceptions:*

- a. As regulated by section 26-161(d)(7)a.; however, in no instance shall any sideyard be less than six (6) feet.
- b. As regulated by section 26-161(d)(7)b.; however observing a minimum front yard setback of thirty (30) feet.
- c. As regulated by section 26-161(d)(7)c.
- d. As regulated by section 26-161(d)(7)d.

(Ord. No. 3140, § 1(4.05), 11-14-89; Ord. No. 3378, § 1(i., j.), 9-22-95)

Sec. 26-166. - "C-1" local business district.

- (a) *Purpose:* This district is composed of those areas of the city whose principal use is and ought to be general retail, service, and repair business activities which serve the entire city and surrounding area. This district is provided to permit the development of these business activities, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these business activities and the purpose of this district, have been excluded.
- (b) *Permitted uses:* The listing of permitted uses is set out in division 15 of these regulations.
- (c) *Conditional uses:* The listing of conditional uses is set out in division 15 of these regulations. See division 10 for specific regulations pertaining to motor vehicle oriented businesses.
- (d) *Regulations and performance standards:* The following regulations shall apply in all C-1 local business districts:
 - (1) *Minimum site area:* Five (5) acres unless the project abuts an existing commercial or industrial zone.
 - (2) *Minimum lot width:* One hundred fifty (150) feet at the property line.
 - (3) *Maximum lot coverage:* No limit.
 - (4) *Yard and setback requirements:*
 - a. Front yard: Not less than thirty (30) feet, except as provided for in section 26-183.
 - b. Side yard: There shall be a side yard on each side of the building of not less than five (5) feet, except as provided for in section 26-183. Side yard requirements shall be fifty (50) feet where abutting any residential district.
 - c. Rear yard: There shall be a rear yard having a depth of not less than twenty-five (25) feet. Rear yard requirements shall be fifty (50) feet where abutting any residential district.
 - d. Other: Corner lots shall have a side yard and a rear yard adhering to the requirements specified above. In addition, the front yard requirement shall apply to all areas adjoining street rights-of-way.
 - (5) *Height requirements:* No building shall exceed two and one-half (2½) stories, nor shall it exceed thirty-five (35) feet in height, except buildings may exceed such height if the building conforms to the following requirements: The ratio of the gross floor area of the building to the area of the lot shall not exceed 1 to 1.5. The area of the lot shall mean the total area of the site, exclusive of the area occupied by streets.
 - (6) *Off-street parking:* As required by division 7.
 - (7) *Site plan review:* As required by division 9 and, in addition, for all new construction, additions to existing structures, and expansion or improvements to parking areas, the following shall be required:
 - a. Site design requirements:
 - 1. All new property development subject to the provisions of this section and all existing development to be modified or redeveloped and requiring the submission of a new site plan or modification of an existing site plan shall comply with the landscape and streetscape standards requirements and regulations of division 11 of this article.
 - 2. All new property development subject to the provisions of this section and all existing development to be modified or redeveloped and requiring the submission of a new site plan or modification of an existing site plan shall comply with the site and building

3. Sidewalks shall be provided along all street frontages, the location to be approved by the director of public works.
4. Access requirements: All developed parcels shall be provided interior drives with a minimum width of pavement of twenty-four (24) feet. Driveway openings shall be limited to not more than thirty-six (36) feet in width and shall be limited to one (1) drive per one hundred (100) feet of lot width. All roads and drives shall be paved with hard surface material meeting the specifications of the city. Curbs and gutters shall be provided along all drives that do not abut parking areas. All parking areas shall be edged with curbs and gutters. Surface or underground storm drainage facilities shall be provided for all roads, drives and parking areas as approved by the director of public works. All storm drainage will be directed into established surface or underground storm drainage facilities.

b. Reserved.

(8) *Signs*: Permitted in accordance with the sign regulations contained in Chapter 22 of the Municipal Code.

(9) *Performance standards*:

- a. Outdoor storage or display of merchandise, materials, or equipment is prohibited.
- b. Other standards as required in division 6 herein.

(Ord. No. 3140, § 1(4.06), 11-14-89; Ord. No. 3201, § 1, 11-12-91; Ord. No. 3238, § 1, 11-10-92; Ord. No. 3270, § 2, 7-13-93; Ord. No. 3349, § 2, 5-9-95; Ord. No. 3378, § 1(k), 9-22-95)

Sec. 26-167. - "M-1" light industrial district.

- (a) *Purpose*: This district is composed of the area of the city whose principal use is or ought to be light manufacturing, warehousing, and other limited industrial uses. These uses generate a minimum of noise, glare, odor, dust, vibration, air and water pollutants, fire, explosive, radioactive and other hazards, and harmful or obnoxious matter. This district is provided to permit the development of these industrial uses, to protect adjacent areas against encroachment by incompatible uses, and to lessen congestion on public streets. To these ends, certain uses which would function more effectively in other districts and would interfere with the operation of these industrial activities and the purpose of this district have been excluded.
- (b) *Permitted uses*: The listing of permitted uses is set out in division 15 of these regulations.
- (c) *Conditional uses*: The listing of conditional uses is set out in division 15 of these regulations. See division 10 for specific regulations pertaining to motor vehicle oriented businesses.
- (d) *Regulations and performance standards*: The following regulations shall apply in all M-1 light industrial districts:
 - (1) *Minimum site area*: Five (5) acres unless the proposed project abuts an existing industrial zone.
 - (2) *Lot width*: The minimum lot width at the property line shall be seventy-five (75) feet.
 - (3) *Lot coverage*: The maximum lot coverage by structures shall not exceed eighty (80) percent.
 - (4) *Yard requirements*:
 - a. Front yard: Not less than thirty (30) feet from public right-of-way or edge of pavement of a private street, except as provided in section 26-183.
 - b. Side yards: There shall be a side yard on each side of a building of not less than five (5) feet, except as provided for in d. below and in section 26-183. Side yard requirements shall be fifty (50) feet where abutting any residential district.

- c. Rear yards: No rear yard shall be required, except where property abuts on a residential district, in which case there shall be a rear yard of not less than fifty (50) feet.
 - d. Other: Corner lots shall have a side yard of not less than thirty (30) feet and a rear yard adhering to the requirements specified above. Except as provided for in section 26-183, lots with double street frontage shall have a required front yard on both streets.
- (5) *Height requirements:* Except as otherwise provided in division 5 of this article, no building or structure should exceed a height of forty-five (45) feet or three (3) stories, whichever is lesser.
- (6) *Site plan review:* As required by division 9 and, in addition, for all new construction, additions to existing structures, and expansions or improvements to parking areas, the following shall be required:
- a. All new property development subject to the provisions of this section and all existing development to be modified or redeveloped and requiring the submission of a new site plan or modification of an existing site plan shall comply with the landscape and streetscape standards requirements and regulations of division 11 of this article.
 - b. All new property development subject to the provisions of this section and all existing development to be modified or redeveloped and requiring the submission of a new site plan or modification of an existing site plan shall comply with the site and building lighting standards of section 26-190 of this Code.
 - c. Sidewalks shall be provided along all street frontages, the location to be approved by the director of public works.
 - d. Access requirements: All developed parcels shall be provided interior drives with a minimum width of pavement of twenty-four (24) feet. Driveway openings shall be limited to not more than thirty-six (36) feet in width and shall be limited to one (1) drive per one hundred (100) feet of lot width. All roads and drives shall be paved with hard surface material meeting the specifications of the city. Curbs and gutters shall be provided along all drives that do not abut parking spaces. All parking areas shall be edged with curbs and gutters. Surface or underground storm drainage facilities shall be provided for all roads, drives and parking areas as approved by the director of public works. All storm drainage will be directed into established surface or underground storm drainage facilities.
- (7) *Off-street parking:* As required by division 7.
- (8) *Signs:* Permitted in accordance with the sign regulations contained in Chapter 22 of the Municipal Code.
- (9) *Performance standards:*
- a. All industrial operations shall be conducted within a fully enclosed building.
 - b. All storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick walls, or combinations of these materials at least eight (8) feet in height so that said materials and equipment are not visible at the grade of the nearest adjacent street and/or adjoining property lines.
 - c. Other performance standards: See division 6.

(Ord. No. 3201, § 2, 11-12-91; Ord. No. 3238, § 2, 11-10-92; Ord. No. 3349, § 2, 5-9-95; Ord. No. 3378, § 1(l), 9-22-95)

- (a) *Intent and purpose:* The purpose of the planned development districts is to provide a means of achieving greater flexibility in development of land in a manner not possible in conventional zones; to encourage a more imaginative and innovative design of projects; to promote a more desirable community environment; and to retain maximum control over both the structure and future operation of the development.

The board of aldermen, upon recommendation by the planning commission, may, by ordinance adopted in the same manner as zoning districts are created, authorize a planned development district when the proposed development or use of a specific tract of land or area warrants greater flexibility, control, and density than is afforded under the general regulations of standard zoning districts. However, it should be noted that these planned development regulations are not intended to allow excessive densities, or the development of incompatible land uses, either within the development, or as the development relates to the general neighborhood. The standards contained in the following provisions must be strictly adhered to by the applicant. The city may, upon proper application, approve a planned development for a site of at least two and one-half (2.5) acres to facilitate the use of flexible techniques of land development and site design, by providing relief from zone requirements designed for conventional developments in order to obtain one (1) or more of the following objectives:

- (1) Environmental design in the development of land that is of a higher quality than is possible under the regulations otherwise applicable to the property.
- (2) Diversification in the uses permitted and variation in the relationship of uses, structures, open space and height of structures in developments intended as cohesive, unified projects.
- (3) Functional and beneficial uses of open space areas.
- (4) Preservation of natural features of a development site.
- (5) Creation of a safe and desirable living environment for residential areas characterized by a unified building and site development program.
- (6) Rational and economic development in relation to public services.
- (7) Efficient and effective traffic circulation, both within and adjacent to the development site.

- (b) *Relationship of planned development districts to zoning map:*

- (1) *Mapped district:* The PD designation is not intended to be attached to existing use districts as an overlay. The PD designation as detailed in this section is a separate use district and may be attached to a parcel of land through the process of rezoning and zoning map amendment.
- (2) *Plan approval required:* It is the intent of this article that no development or redevelopment of the property encompassed by the PD designation take place until an acceptable development plan has been reviewed and approved in conformance with the requirements of this section.
- (3) *Types of planned developments:* All areas of the city subject to the PD designation shall be assigned one (1) of the following district classifications which shall be considered a separate use district and subject to the specific restrictions and limitations outlined in this section.
 - a. Planned development-residential (PD-R): Planned developments involving residential uses only.
 - b. Planned development-commercial (PD-C): Planned developments involving commercial uses only.
 - c. Planned development-manufacturing (PD-M): Planned developments involving manufacturing uses only.

- d. Mixed use developments (MxD): Planned developments involving a mixture of residential and nonresidential uses.

(c) *Procedures for planned development approval:*

- (1) *Preapplication procedure:* Prior to filing any application for planned development approval the prospective applicant shall request a preapplication conference with the director of public works. Such request shall include a brief and general narrative description of the nature, location and extent of the proposed planned development; and a list of any professional consultants advising the prospective applicant with respect to the proposed planned development. Upon receipt of such request the city planning staff shall promptly schedule such a conference.
- (2) *Preliminary development plan:* A preliminary development plan shall be submitted to the planning commission with the application for a planned development. A final development plan, including the requirements of preliminary plan, may be submitted as a single application. The preliminary plan shall contain the following information:
 - a. Site and landscape plan: One (1) or a series of maps shall be submitted indicating:
 - 1. An outboundary survey plat and legal description of the property.
 - 2. The location, size and height of all existing and proposed structures on the site;
 - 3. The location and general design (dimensions and materials) of all driveways, curb cuts and sidewalks including connections to building entrances;
 - 4. The location, area and number of proposed parking spaces;
 - 5. Existing and proposed grades at an interval of two (2) feet or less, extended beyond the project site to include adjacent properties and structures;
 - 6. The location and general type of all existing trees over six-inch caliper and, in addition, an indication of those to be retained;
 - 7. The proposed general use and development of internal spaces, including all recreational and open space areas, plazas and major landscaped areas by function, and the general location and description of all proposed outdoor furniture (seating, lighting, telephones, etc.);
 - 8. A landscaping plan meeting the standards and requirements of division 11 of this article.
 - 9. The location and details of all retaining walls, fences (including privacy fences, etc.) and earth berms;
 - 10. The description and location of all refuse collection facilities including screening to be provided;
 - 11. Provisions for both on- and off-site stormwater drainage and detention related to the proposed development.

The scale of the drawing or drawings indicating the above shall be reasonably related to the site size and the complexity of the proposed development, and the scale shall in no event be smaller than one (1) inch equals fifty (50) feet. All drawings shall likewise indicate a project name, the names of adjoining streets, the applicant's name, a scale, a north arrow, and the date drawn.

The applicant may be required to provide, at applicant's expense, additional clarification and/or further detail of the site plan, as deemed necessary by the planning commission.

Site and building sections: Schematic or illustrative sections shall be drawn to a scale of one (1) inch equals eight (8) feet or larger, indicating both edge conditions and internal grade changes in relation to principal variations of internal building levels and site line relations to adjacent structures.

- c. Typical elevations: Typical elevations of proposed buildings shall be provided at a reasonable scale.
- d. Project data:
 - 1. Site area (square feet and acres);
 - 2. Allocation of site area by building coverage, parking, loading and driveways, and open space areas including total open space, recreation area, landscaped areas and others;
 - 3. Total dwelling units and floor area distributed by general type (one-bedroom, two-bedroom, etc.); and total floor area ratio and residential density distribution.
 - 4. Floor area in nonresidential use by category and total floor area ratio.
 - 5. Calculations of parking spaces and area in relation to dwelling units and commercial floor area.
- e. Project report: A brief project report shall be provided to include an explanation of the character of the proposed development, verification of the applicant's ownership and contractual interest in the subject site, and anticipated development schedule. At the discretion of the planning commission and/or board of aldermen, analyses by qualified technical personnel or consultants may be required as to the market and financial feasibility, traffic impact, environmental impact, stormwater and erosion control, etc., of the proposed development.
- f. Phased development: If the planned development is proposed to be constructed in stages or units during a period extending beyond a single construction season, a development schedule indicating:
 - 1. The approximate date when construction of the project can be expected to begin;
 - 2. The order in which the phases of the project will be built; and
 - 3. The minimum area and the approximate location of common open space and public improvements that will be required at each stage.
 - 4. If any stage or unit as proposed contains a share of open space or other public or private recreation or service facility less than that which its size, number of units or density would otherwise require, a statement shall be submitted setting forth what bond, credit, escrow or other assurance the applicant proposes in order to ensure that the difference between that which would otherwise be required and that which the applicant proposes to provide in the instant stage or unit is ultimately provided.
 - 5. Placement of all temporary structures utilized during construction, i.e., construction offices, siltation control devices, etc.

(3) *Review procedure:*

- a. An application together with a complete preliminary development plan, including information as required in subsection 26-168(c)(2), shall be considered at the first regularly scheduled planning commission meeting but not sooner than thirty (30) days after the notice of

acceptance of the completed application. Notices of the planning commission meeting shall be sent to owners of record of all properties within two hundred (200) feet of the parcel included in the application.

- b. Staff review: The director of public works shall coordinate a review of the application by appropriate city departments. A written report documenting the review and staff recommendations shall be prepared by the director of public works or his designee and submitted to the planning commission at the meeting at which it first considers the application.
- c. After consideration of the applicant and staff report, the planning commission, shall make a report to the board of aldermen regarding the environmental impact of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities, and other matters pertaining to the general public health, safety and welfare of the city. The findings and recommendation of the planning commission shall be transmitted to the board of aldermen. If the planning commission's recommendation is for approval, its report shall contain the conditions or restrictions recommended by the planning commission with respect to the preliminary development plan.
- d. The board of aldermen shall hold a public hearing thereon upon at least fifteen (15) days' public notice. If the preliminary development plan is approved by the board of aldermen, it shall adopt a resolution approving the preliminary development plan with conditions as specified therein and authorizing the preparation of the final development plan. Simultaneously, with approval of the preliminary plan, the board of aldermen shall adopt an ordinance rezoning the site. Such ordinance shall become effective upon approval of the final development plan.

- (4) *Final plan:* Within nine (9) months following approval of the preliminary development plan, but at least thirty (30) days before the next regularly scheduled meeting of the planning commission, the petitioner shall submit a final development plan to the planning commission for its review and consideration to determine if the final development plan is in conformance with the approved preliminary development plan and with the imposed conditions of approval. The final development plan shall reflect the entire planned development if it is to be completed in one (1) phase, or a phase of the planned development if it consists of more than one (1) phase. In the event that any proposed final development plan is submitted more than nine (9) months after approval of the preliminary development plan, the matter shall be referred to the board of aldermen for reconsideration of the preliminary development plan approval.

The final development plan, in addition to the matters shown on the preliminary development plan, shall include the following:

- a. The existing and proposed contours;
- b. A landscaping plan meeting the standards and requirements of division 11 of this article;
- c. Nature of use, including conditional uses permitted;
- d. All structures, present and future, specifying location, size, and architectural elevation, none of which may deviate substantially from the approved preliminary development plan;
- e. Sidewalks;
- f. Parking spaces, including underground parking and traffic aisles;
- g. Method of disposal of trash and garbage;

- h. Ingress and egress facilities;
- i. Parking facilities for visitors;
- j. Plan for the provision of water and sanitary and stormwater drainage facilities;
- k. All easements and dedications;
- l. Any signs, location and size;
- m. A lighting plan meeting the standards and requirements of section 26-190 of this Code;
- n. All other information which the planning commission and the board of aldermen may designate.

(5) *Review procedure:*

- a. An application with a complete final development plan, conforming to the requirements of subsection 26-168(c)(4), shall be considered at the first regularly scheduled planning commission meeting, but no sooner than thirty (30) days from the filing of the completed application.
- b. Staff review: During the time between the filing of the complete final development plan and the next regularly scheduled meeting of the planning commission, the director of public works, or his representative, shall review the final development plan for compliance with the approved preliminary development plan and shall report to the planning commission the findings of his review.
- c. After consideration of the application and staff report, the planning commission shall recommend approval, or disapproval of the final development plan. The final development plan shall conform to the preliminary development plan. If the final development plan does not conform to the preliminary development plan, or if the conditions of the preliminary development plan approval are not adequately met, the final development plan shall not be approved.
- d. Upon recommendation for approval of the final development plan by the planning commission, the final development plan shall be transmitted to the board of aldermen for its review and approval.
- e. Following approval of the final development plan, it shall be recorded at the applicant's expense with the St. Louis County Recorder of Deeds, and a reproducible mylar of such recorded plan furnished to the director of public works. Any bonds, escrows, or letters of credit required to insure completion of required improvements or open space indicated on the final development plan shall be filed with the city prior to the issuance of any building permits.

(d) *Permitted uses:* The listing of permitted uses within each PD District shall be as follows:

District	Requirement
Planned development - residential	Those uses set out in <u>division 15</u> in the PD-R district.
Planned development - commercial	Those uses set out in <u>division 15</u> in the PD-C district.

- manufacturing	M district.
Mixed use development	Those uses set out in <u>division 15</u> under PD-MxD.

(e) *Area regulations and performance standards:*

- (1) *Classification.* The area regulations and performance standards applicable to each planned development by designated district classification shall be as follows:

District	Requirement
Planned development - residential	<u>Section 26-161 to 26-165</u>
Planned development - commercial	<u>Section 26-166</u>
Planned development - manufacturing	<u>Section 26-167</u>
Mixed use development	The above-referenced sections as applicable to the individual uses contemplated by the plan.

- (2) *Modifications:* The approval of the preliminary development plan may provide for such exceptions from the above-referenced regulations and such additional requirements as may be necessary or desirable to achieve the objectives of the proposed planned development, provided such exceptions are consistent with the standards and criteria contained in this section and have been specifically requested in the application for a planned development; and further, that no modification of the above-referenced regulations shall be allowed when such proposed modification would result in:

- a. Inadequate or unsafe access to the planned development;
- b. Traffic volumes exceeding the anticipated capacity of the proposed major street network in the vicinity;
- c. An undue burden on public parks, recreation areas, schools, fire and police protection and other public facilities which serve or are proposed to serve the planned development;
- d. A development which will be incompatible with the purposes of this article.
- e. Detrimental impact on surrounding area including, but not limited to, visual pollution.

The burden of proof that the criteria above are not being violated shall rest with the developer and not the staff or the planning commission.

- (3) *Overall development site size:* In addition to the requirements as outlined above for individual uses within a planned development district, the minimum overall site size required for such a planned development as a whole shall be two and one-half (2.5) acres. Provided, however, that this minimum site size may be waived by the board of aldermen upon recommendation by the planning commission if the parcel in question has certain unique characteristics such as, but not limited to, significant topographic change, significant trees or wooded areas, wetlands, floodplain areas, soil conditions, utility easements, or unusual shape or proportions; or, if it is determined that the use proposed is desirable or necessary in relationship to the surrounding neighborhood; or, if the board should determine such waiver to be in general public interest.
- (f) *Period of validity:* The period of validity of approval of a final development plan is as follows:
- (1) No approval of a final development plan shall be valid for a period longer than twelve (12) months from the date of approval unless within such period a building permit is obtained and construction is commenced.
 - (2) The board of aldermen may grant extensions not exceeding six (6) months each upon written request of the original applicant if the application submitted is substantially the same as the initially-approved application. However, the board of aldermen has the power in such cases to attach new conditions to approval. At such time as the period of validity of an approved final development plan lapses, the final development plan and all uses, terms, and conditions thereof shall be considered null and void. No further development of the site shall be permitted except by application in accordance with the procedural requirements of this section, whereby it shall be considered an entirely new application.
 - (3) Should a request for extension of an approved final development plan contain substantial changes, as determined by the board of aldermen, the board of aldermen shall require the applicant to refile his application subject to the requirements of this section as if it were an entirely new application.

(Ord. No. 3140, § 1(4.08), 11-14-89; Ord. No. 3378, § 1(m., n.), 9-22-95; Ord. No. 3800, § 1, 10-28-03)

Secs. 26-169—26-180. - Reserved.

DIVISION 5. - SUPPLEMENTARY DISTRICT REGULATIONS

Sec. 26-181. - Purpose.

Unless otherwise stated, the regulations hereafter established shall apply within all districts established by this article. These general regulations supplement and qualify the district regulations appearing elsewhere in this article.

(Ord. No. 3140, § 1(5.01), 11-14-89)

Sec. 26-182. - Height exceptions.

- (a) *Public and semipublic buildings.* In any district, except residential districts, public or semipublic buildings, such as hospitals, churches, sanitariums or schools, either public or private, may be erected to a height not exceeding sixty (60) feet, provided that such buildings shall have yards which shall be increased one (1) foot on all sides for each additional foot that such buildings exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- (b) *Amateur radio antennas and towers and parabolic reflector antennas.*
- (1) *Definitions.*

- a. *Antenna*: A metallic device having the primary purpose of sending and/or receiving electromagnetic radiation.
- b. *Antenna tower*: Any fabrication or construction primarily designed or used for the support of one (1) or more antenna; provided, however, that any fabrication or construction which is less than six (6) feet in height shall not be considered to be an antenna tower.
- c. *EIA Standard 222*: A reference to Electronic Industries Association Standard 222-E effective 1991 entitled "Structural Standards for Steel Antenna Towers and Antenna Supporting Structures."
- d. *Ground mounted antenna*: Any antenna having any working element within five (5) feet of grade.
- e. *Parabolic reflector antenna*: Any antenna having a curved reflector element, commonly referred to as a satellite dish.
- f. *Wire antenna*: An antenna consisting exclusively of a length of wire and one (1) or more insulators.

(2) *General.*

- a. Effective as of July 25, 1995, a permit, as provided for herein, shall be required for the construction or installation of a ground-mounted or roof-mounted antenna or antenna tower for the operation of an amateur radio facility within the city.
- b. Application. An application for a permit for the construction or installation of an amateur radio antenna and/or antenna tower for operation of a licensed amateur radio facility shall be filed on forms provided by the director of public works and shall contain such information as may be required therein, including:
 - 1. Detailed construction and installation plans.
 - 2. Site plan of the parcel upon which the installation is to be made showing the specific location of the proposed installation, all improvements on the parcel and, where the application requires consideration by the board of aldermen, the site plan shall include the location of trees on such parcel, the general location of the improvements on all adjoining properties and such other information as the director of public works deems appropriate to provide adequate information for the board of aldermen. Such application shall be accompanied by satisfactory evidence that the applicant or any occupant of the property for which the antenna or antenna tower is proposed to be installed holds an existing amateur radio license issued by the Federal Communications Commission.
- c. Issuance of permits.
 - 1. A permit for a ground-mounted antenna not extending more than forty (40) feet above grade, an antenna mounted on a roof not extending more than eighteen (18) feet above the point of mounting, an antenna mounted on a fixed antenna tower which does not extend more than forty (40) feet above grade at the point of installation, or an antenna mounted on a retractable or crank-up antenna tower which does not extend more than sixty-five (65) feet above grade at the point of installation when fully extended shall be issued by the director of public works upon the determination that the location, structural and wiring requirements hereof are satisfied.
 - 2.

A permit for a ground-mounted antenna extending more than forty (40) feet above grade, an antenna mounted on a fixed antenna tower which extends more than forty (40) feet above grade at the point of installation, or an antenna mounted on a retractable or crank-up antenna tower which extends more than sixty-five (65) feet above grade at the point of installation when fully extended shall be issued or denied in accordance with the following:

- (i) The application shall be referred to the board of aldermen for consideration of issuance of a special permit. A public hearing shall be held thereon, with at least fifteen (15) days' public notice being published and notice given to property owners within three hundred (300) feet of the parcel for which the installation is proposed.
- (ii) Upon findings as to whether the proposed special use permit is required by topographical conditions or the operational parameters of the antenna or the associated radio equipment to be utilized and as to whether the proposed special permit conforms with the location, structural and wiring requirements hereof, the board of aldermen shall approve or deny the special permit and adopt findings and conclusions thereon.

d. Location requirements.

- 1. An antenna tower, ground-mounted antenna and any portion of any base or support thereof may be erected or installed only in the rear yard of the parcel behind the principal building.
 - (i) On corner lots, each setback requirement along the street sides shall be observed.
 - (ii) Any antenna tower or ground-mounted tower which exceeds forty (40) feet in height shall be set back from all property lines at least one (1) additional foot for every foot of height above forty-eight (48) feet, unless the board of aldermen determines that reasonable provisions to protect adjoining properties exist or that such setback requirements are unnecessary to protect the public health, safety or general welfare.
- 2. Not more than one (1) antenna tower may be erected on any parcel; provided, however, that an erected support used exclusively for the support of a wire antenna and being no wider than six (6) inches at grade and having a height no greater than forty (40) feet above grade shall not be considered an antenna tower for the purposes of calculating the permitted number of such towers.
- 3. No antenna tower may be erected on the roof of any building.
- 4. Wire antennas utilizing existing building supports or natural supports, such as trees, may be installed within the property boundary.

e. Installation.

- 1. All steel antenna towers and erected ground-mounted supports shall be designed, erected and maintained in accordance with the wind loading requirements of EIA Standard 222-E.
- 2. All aluminum antenna towers, ground-mounted antenna and erected supports for use with wire antenna shall be designed, erected and maintained in accordance with sound engineering practices.
- 3. All antennas, antenna feed lines and antenna controls shall be designed, installed and maintained in accordance with applicable requirements of the city's electrical code.

4. All wiring to or from ground-mounted antennas or antenna towers located more than five (5) feet from the nearest building shall be underground.
- f. Parabolic reflector antennas.
1. The director of public works shall issue a permit for a parabolic reflector antenna upon determination that the requirements hereof regarding location, structural components, screening and wiring are satisfied.
 2. Location requirements.
 - (i) No parabolic reflector antenna having a reflector greater than twenty-four (24) inches across may be erected or installed on any lot in the city other than in the rear of the lot between the rear line of the principal building on the lot and five (5) feet from the rear lot line. No antenna, nor any portion of any base or support therefor, may be closer to any lot line than the required side yard setbacks; provided, further, that on corner lots, no antenna may be closer to any street than the principal building.
 - (ii) On any lot which is improved with a residence, no more than one (1) parabolic reflector antenna, having a reflector of no more than twenty-four (24) inches across, may be mounted on a roof. Any such antenna mounted on a roof must be located on the side of the roof away from the most heavily traveled adjoining street and may not extend above the height of the highest point of the roof.
 - (iii) For each building in a commercial district, one (1) parabolic reflector antenna, having a reflector no more than forty (40) inches across, may be mounted on a roof. Any such antenna mounted on a roof must be so located as to minimize the visibility of such antenna from the most heavily traveled adjoining street.
 - (iv) Should there be severe practical difficulties in providing a ground location within a C-1 or M-1 zoning district for parabolic reflector antennas greater than forty (40) inches in diameter, the planning and zoning commission may approve a roof installation, provided the same degree of screening as required above can be achieved.
 3. Installation requirements.
 - (i) All antennas, antenna feed lines and antenna controls shall be designed, installed and maintained in accordance with applicable requirements of the city's electrical code.
 - (ii) All wiring to or from ground-mounted parabolic reflector antennas located more than five (5) feet from the nearest building wall shall be underground.
 - (iii) A ground-mounted parabolic reflector antenna shall not extend more than ten (10) feet above grade and shall be screened from the view of the traveling public and adjoining property owners by a sight-proof fence at least six (6) inches higher than the maximum height of the antenna or evergreen plantings at least one-half ($\frac{1}{2}$) the height of the antenna at the time of planting. Any evergreen plantings installed in order to comply with this requirement shall be of species readily capable of attaining a height of at least six (6) inches higher than the antenna and of such density as to reasonably screen the antenna from view. Any natural or artificial screening shall be

maintained in an attractive and first class condition at all times, shall be subject to inspection by the city from time to time, and shall be replaced or repaired if found to be deficient.

- (c) *Structural projections.* Except as hereinabove provided with respect to amateur radio antennas and towers and parabolic reflector antennas, chimneys, cooling towers, elevator headhouses, monuments, stage towers, or scenery lofts, tanks, water towers, ornamental towers, and spires, church steeples, radio, television or microwave towers, or necessary mechanical appurtenances usually required to be placed above the roof level are not subject to the height limitations contained in the district regulations, except that such structural projections shall not exceed the height regulations of the district in which the structure is situated by more than fifteen (15) percent, except that structural projections exceeding the above-height limitations shall be considered as conditional uses and shall be processed in accordance with division 10 of this article; provided further that any such structural projections shall have yards which shall be increased one (1) foot on all sides for each additional foot that such structures exceed the specified height limit as established by the regulations of the district in which such buildings are situated.
- (d) *Height of dwellings.* Residential structures in the dwelling districts may be increased in height by not more than ten (10) feet when the side and rear yards are increased over the yard requirements of the district in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.

(Ord. No. 3140, § 1(5.02), 11-14-89; Ord. No. 3365, §§ 1—3, 7-25-95)

Sec. 26-183. - Yard and setback exceptions in C-1 and M-1 districts.

- (a) [*Generally.*] If a lot or tract of land has less area or width than required by the district regulations as applicable, and was of record on adoption of this article, that lot or tract may be used for any of the uses permitted by this section, including additions to existing structure and notwithstanding its nonconformance with this section, but in no instance shall there be a side yard of less than five (5) feet on each side of the building.
- (b) *Front yard:* There shall be a front yard having a depth of not less than thirty (30) feet, unless forty (40) percent or more of the frontage on one (1) side of the street between two (2) intersecting streets is improved with buildings that have observed a front yard line with a variation in depth of not more than six (6) feet, in which case no building shall project beyond the average front yard so established. Front yards shall be measured according to future street and highway widenings as provided for in city, county, or state street and highway widening plans and shall comply with the setback lines herein provided for. Where lots have a double frontage, a required front yard shall be provided for on both streets, except that the buildable depth of such lot shall not be reduced to less than forty (40) feet, in which latter event the director of public works may waive this requirement as to the street which will least affect surrounding property values.
- (c) *Structural projections:* Every part of a required yard or court shall be open from its lowest point to the sky unobstructed, except for the ordinary projection of sills, cornices, chimneys, buttresses, ornamental features, and eaves provided, however, that none of the above projections shall extend into a minimum yard more than thirty (30) inches; and provided further that canopies or open porches may project a maximum of ten (10) feet into the required front or rear yard, and existing open porches extending into the required yard shall not be enclosed. Slab type porches or paved

terraces having a maximum height of not more than twelve (12) inches above ground elevation at any point may project into any yard, except that the projection into the front yard shall not exceed ten (10) feet. For the purposes of this provision, mechanical units are not considered to be structures.

- (d) *Fire escapes/balconies*: An open fire escape may project into a required side yard not more than half the width of such yard, but not more than five (5) feet from the building. Fire escapes, solid floored balconies, and enclosed outside stairways may project not more than four (4) feet into a required rear yard.
- (e) *Accessory buildings and structures*: (See section 26-186, accessory buildings and structures).
- (f) *Sight distance triangle*: On a corner lot in any district, site development and landscaping shall conform to the requirements of the sight distance triangle as provided for in division 11 of this article.
- (g) *Fences*: A fence not more than six (6) feet in height is permitted; however, fences shall not be permitted in front of the building line.
- (h) *Commercial/industrial rear yards*: No rear yard shall be required in districts C-1 and M-1 or any lot used for business or industrial purposes, the rear line of which adjoins a railway right-of-way or which has a rear railway right-of-way or which has a rear railway track connection.
- (i) *Through lots*: A through lot having one (1) end abutting a limited access highway, with no access permitted to that lot from the highway, shall be deemed to front upon the street which gives access to that lot.

(Ord. No. 3140, § 1(5.03), 11-14-89; Ord. No. 3238, § 3, 11-10-92; Ord. No. 3378, § 1(o.), 9-22-95)

Sec. 26-184. - Area regulations; maximum lot coverage calculation.

In computing the amount of lot coverage, the amount of coverage shall include the total area of all principal and accessory buildings as measured along the outside wall at ground level or above as viewed from above and includes all projections other than open porches, fire escapes, canopies or the first three (3) feet of a roof overhang. Roads, driveways, parking lots and swimming pools shall not be included in maximum lot coverage requirements.

(Ord. No. 3140, § 1(5.04), 11-14-89)

Sec. 26-185. - Access regulations.

- (a) *Access to business and industrial districts*: No land which is located in a residential district shall be used for a major access route to any land which is located in any business or industrial district; provided, however, that this section shall not prohibit pedestrian walks and driveway connections between residential districts and neighborhood shops when incorporated as a part of a mixed use development district.

- (b) *Street access*: All lots shall abut a street other than an alley.

(Ord. No. 3140, § 1(5.05), 11-14-89)

Sec. 26-185.1. - Fence regulations in residential districts.

- (a) *Height*. A fence shall not be higher than six (6) feet.

- (b) *Yard requirements*.

- (1) A fence shall not be erected in a required front yard.

- (2) A fence may be erected in a side or rear yard.

(Ord. No. 3358, § 1, 7-25-95)

No accessory building or structure shall be used prior to the principal building or use, except as a construction facility for the principal building. Accessory buildings or structures must conform to all provisions of this article. On a corner lot, accessory buildings and structures cannot be located in a required front or side yard.

- (1) *Attached accessory buildings:* Any accessory building which is structurally attached to the principal building of a lot shall be considered part of the principal building and shall comply with all provisions of this article pertaining thereto.
- (2) *Detached garages:*
 - a. *Height:* No detached garage shall be higher than the principal building or fifteen (15) feet, whichever is lower, as measured from the ground to the highest point of the structure. In addition, no detached garage shall have an exterior wall height in excess of ten (10) feet as measured from the ground to the top of the wall.
 - b. *Yard and area requirements:* No detached garage shall be erected in any required front or side yard. Detached garages may be located in the rear yard but shall not occupy more than thirty (30) percent of the rear yard area. No detached building or structure may be erected closer than five (5) feet to the rear lot line, nor closer to the side lot line than the required minimum side yard setback of the district. In addition, any detached garage must be at least ten (10) feet away from the primary structure.
 - c. *Erection and use:* No accessory building shall be constructed upon a lot until the construction of the main building has been commenced. No detached garage shall be used for dwelling purposes.
 - d. *Architectural compatibility:* All detached garages must be of an architectural composition and style, which is compatible with the main structure located on the premises.
- (3) *Other accessory structures or outbuildings:*
 - a. *Height:* No detached accessory structure or outbuilding shall be higher than principal building or ten (10) feet.
 - b. *Yard and area requirements:* No detached accessory building or structure shall be erected in any required front or side yard. Detached accessory building may be located in the rear yard but shall not occupy more than thirty (30) percent of the rear yard area. No detached building or structure may be erected closer than five (5) feet to the rear lot line nor closer to the side lot line than the required minimum side yard setback of the district.
 - c. *Erection and use:* No accessory building shall be constructed upon a lot until the construction of the main building has been commenced. No accessory building shall be used for dwelling purposes, but such accessory building may be temporarily used for storage purposes.
- (4) *Carports:*
 - a. *Code requirements:* Carports are subject to the requirements for attached or detached structures except as otherwise provided for in this section.
 - b. *Carport storage restrictions:* It is unlawful to store within a carport any construction material, indoor furniture/appliances, or waste material of any kind, except in approved waste receptacles. Any storage which would render the area unclean or unsafe is prohibited. Orderly storage of outdoor equipment such as patio furniture, lawn care equipment, outdoor recreation/sport equipment, grills or firewood is acceptable. Storage of additional items is

permitted within enclosed portions of the carport or within plastic, wood, or metal storage containers. It is the duty of the occupant and property owner to ensure that the carport is maintained in a safe and sanitary condition.

(Ord. No. 3140, § 1(5.06), 11-14-89; Ord. No. 3868, § 1, 10-26-04; Ord. No. 4201, §§ 2, 3, 9-22-09)

Sec. 26-187. - Home occupations.

- (a) *Restrictions and limitations:* Home occupations shall be permitted as an accessory use to a residential use in any district subject to the requirements of this section.
- (1) Home occupations shall be operated entirely from the primary residential structure and shall not occupy more than fifteen (15) percent of the total floor area of the main residential building, with the use of the dwelling for a home occupation being clearly incidental and subordinate to its use for residential purposes by its occupants. No home occupation is to be conducted in a garage or other accessory structure and no commodities can be stored on the premises.
 - (2) No alteration of the exterior of the principal residential building shall be made which changes the character thereof as a residence, or presents other visible evidence of conduct of the home occupation.
 - (3) No outdoor storage of materials or equipment used in the home occupation shall be permitted.
 - (4) No person shall be engaged in such home occupation other than a person occupying such dwelling unit as his residence.
 - (5) No equipment shall be utilized that creates a nuisance due to odor, vibration, noise, electrical interference or fluctuation in line voltage beyond the property line of the lot upon which the home occupation is conducted.
 - (6) No generation of parking beyond that required for normal occupation of the residence. Any vehicle used in the home occupation which has advertising thereon cannot be parked on the street.
- (b) *Permit required:* No home occupation shall be conducted until a home occupation permit shall be issued by the director of public works. Such permit shall be issued upon determination by the director that the proposed use complies with all of the requirements hereunder and that the appropriate business license has been issued by the city. The permit shall be issued only to the individual occupying a dwelling as his residence. As such, home occupation permits shall not be transferable and shall terminate upon sale or transfer of the property to a new owner.

(Ord. No. 3140, § 1(5.07), 11-14-89; Ord. No. 3868, § 1, 10-26-04)

Sec. 26-188. - Temporary uses.

- (a) *Temporary use permit:* The director of public works is authorized to issue a permit for the temporary uses identified in subsection (b). Any such permit shall be issued for a specified period of time and shall contain such health, safety and traffic restrictions deemed reasonable by the director and may require such assurances or guarantees of compliance with conditions as are deemed necessary by the director of public works.
- (b) *Temporary uses permitted:* In addition to the uses approved under subsection (a), the following temporary uses are authorized:
- (1) *Christmas tree sales:* Christmas tree sales in any business or industrial district for a period not to exceed sixty (60) days. Display of Christmas trees need not comply with the applicable yard setback requirements provided that no display will encroach within the required yard setback for

any district by more than fifty (50) percent and no display or equipment shall be located within the thirty-foot sight distance triangle of a street intersection as defined in this article.

- (2) *Contractor's offices:* Temporary buildings or trailers may be used as construction offices, field offices or for storage of materials to be used in connection with the development of the tract, provided that the temporary structures are removed from the tract within thirty (30) days after completion of the project development. Temporary buildings or trailers must also be removed from the tract within thirty (30) days after voluntary suspension of work on the project or development or after revocation of building permits, or on order by the director of public works upon a finding by him that the temporary structure is deemed hazardous to the public health and welfare. A bond in the amount of one thousand dollars (\$1,000.00) for their removal shall be posted with the city.
 - (3) *Real estate offices:* Temporary real estate offices or sales offices may be established in a display dwelling unit.
 - (4) *Seasonal sales:* Seasonal sale of farm produce grown on the premises, in an R-1 district. Structures incidental to such sale need not comply with the applicable front yard requirements provided that no such structure shall be located within the thirty-foot sight distance triangle of a street intersection as defined in this article. All such structures shall be removed at the end of the season during which they are used.
 - (5) *Special promotional events by businesses:* Special promotional events involve the temporary display of merchandise or sales activities (including the provision of music, entertainment, food and beverages) which are accessory to, or promotive of, the existing permitted or conditionally permitted use(s) of a parcel.
 - a. Any business conducting a special promotional event or events totaling more than thirty (30) calendar days within a calendar year (either consecutive or in total) will require approval of the Crestwood Planning and Zoning Commission.
 - b. As part of the special event, the installation or erection of temporary facilities or temporary structures and approved signage may be included.
 - c. All such promotional events shall be conducted within paved or enclosed areas of the parcel and shall not otherwise interfere with traffic circulation or emergency access.
 - d. All temporary facilities and/or signs used for any such special promotional event shall conform with all applicable city ordinances.
 - (c) *Temporary dwelling structures:* No cabin, garage, cellar, basement, or temporary structure whether of a fixed or moveable nature may be erected, altered, or moved upon and used in whole or in part for any dwelling purposes whatsoever for any length of time whatsoever.
 - (d) *Temporary commercial structures:* Except as provided for in subsections (b)(2) and (b)(5), no cabin, garage, storage facility, cellar, basement, tent or other temporary structure or facility, whether of a fixed or moveable nature, may be erected, installed, altered, or moved upon and used in whole or in part for any commercial purposes whatsoever for any length of time whatsoever.
- (Ord. No. 3140, § 1(5.08), 11-14-89; Ord. No. 3278, §§ 1, 2, 8-24-93; Ord. No. 3540, § 1, 11-10-98; Ord. No. 4208, § 1, 10-27-09)

- (a) *Number of buildings permitted per lot.* Every single-family dwelling hereafter erected or structurally altered shall be located on a separate lot or tract. In no case shall there be more than one (1) single-family dwelling on one (1) lot or tract except for accessory buildings or uses, as defined herein, and except for any structure authorized as part of a special procedure requiring submission to the planning commission of any type of site development plan for review and approval. A residential lot must have frontage on a street.
- (b) *Conversion or change in occupancy of single-family dwelling.* In any district permitting uses other than single-family dwellings, single-family dwellings shall not be converted to another use without first obtaining a certificate of occupancy. No application for a building permit and/or a certificate of occupancy for such a conversion of a single-family residence shall be approved unless accompanied by a detailed site plan, as provided in division 9, including a floor plan, showing full compliance with all other applicable regulations of this article.

(Ord. No. 3140, § 1(5.09), 11-14-89)

Sec. 26-190. - Site lighting standards.

- (a) *Scope of provisions.* The following regulations shall apply to all uses within the C-1 and M-1 districts and to all PD-C and PD-M developments, including all new developments, amendment of an approved site plan, amendment of a conditional use permit, or any lighting change to an existing development, involving new fixtures, standards, heads or luminaires.
- (b) *General standards.*
 - (1) Site lighting shall include all lighting on property, other than lighting within a fully enclosed building, provided that site lighting shall include interior lighting when used as accent lighting, as provided in subsection (b)(8) of these regulations.
 - (2) Site lighting fixtures shall be compatible with the building design and the adjoining landscape and shall not be used in such a manner as to turn the building itself into "signage".
 - (3) Excessive brightness of site lighting shall be avoided.
 - (4) Site lighting shall not spill over to adjacent sites or properties.
 - (5) Site lighting shall not create glare which is directed toward or reflected onto adjoining properties.
 - (6) Site lighting shall not create glare which is directed toward or reflected onto streets, or interior drives where such glare could negatively impact vehicular or pedestrian safety.
 - (7) Except as may be provided elsewhere in this section, site lighting shall at no time be directed upward, in a radiating and/or moving or sweeping pattern, or at any angle which will light surfaces other than building walls, parking or pedestrian areas, and landscaped areas, and shall not create lighting patterns which will direct light toward residential areas.
 - (8) Except as may be authorized in chapter 22 of the City Municipal Code, the use of neon tubing of any color as accent lighting in any location on the site, including the exterior of a building, or around any window (either on the exterior of the building or on the interior where the tubing would be visible from the street) is prohibited.
 - (9) At the time of filing any application for any use, development, amendment or change as set out in subsection (a) hereof, a lighting plan for site lighting shall be provided on a separate sheet. The following information shall be submitted as part of the lighting plan:
 - a. Manufacturer's catalog cut sheet or other graphic and narrative description of the light standards, fixture heads, and/or luminaires with specification data.

- c. A plan of the site superimposed with a grid of not more than twenty (20) feet between light sources showing the calculated footcandle levels at average site grade at the center of each twenty-foot grid.

(10) All site lighting shall be installed utilizing underground cable.

(c) *Illumination standards.*

- (1) Except as otherwise provided in the following provisions of this section, all parking and loading areas and walkways shall be illuminated so as to produce a uniform minimum average illumination within such areas of two (2) footcandles of illumination, measured at the ground level.
- (2) Lighting fixtures or standards without cutoff-type luminaires or with globe-style luminaires shall be no higher than fifteen (15) feet and shall have a maximum illumination output of not more than ten thousand (10,000) lumens.
- (3) Lighting fixtures or standards with a cutoff-type luminaire shall be no higher than twenty-five (25) feet with a maximum average illumination of the property, measured at ground level over the site, of five (5) footcandles.
- (4) Except as may be otherwise approved by the planning and zoning commission, where parking and loading areas are adjacent to residential areas, the maximum average illumination of the area between the rear building wall line and the property line abutting a residential area shall be one (1) footcandle measured at ground level over the site, provided that at the property line abutting a residential area, the maximum illumination of the property shall be no higher than one-tenth (0.1) footcandle.
- (5) Where parking or loading areas abut residential property, the fixture head shall be of an appropriate type which controls the lighting pattern and shields such residential property from direct view of the light source. In order to achieve this end, reflector shields may be required for fixture heads.
- (6) Globe-style fixture heads (including other shapes such as acorn or cylinder styles) may only be used as decorative accents along the front of properties or buildings which face bordering streets which are occupied by, or zoned for, commercial or light industrial uses and where adjoining uses on the same side of the street are not residential. No such fixtures shall be located in any side or rear yard. Globe-style fixture heads shall be of the types which are frosted or translucent so that the bulb lighting source is not visible and that emitted light is diffused.

(Ord. No. 3349, § 1, 5-9-95)

Sec. 26-191. - Water discharge.

Water shall not be directed through a pipe, culvert, hose, spout, or drain which discharges within ten

(10) feet of an abutting property line. The following are exceptions to this prohibition:

- (a) Roof or foundation drains that discharge within two (2) feet of the building foundation; or
- (b) Discharge into an open natural creek or swale on the same property; or
- (c) Discharge that is parallel to the abutting property line and at least five (5) feet from said line.

Any property owner violating this section is subject to the penalties specified in section 26-326.

(Ord. No. 3759, § 1, 12-10-02)

DIVISION 6. - ENVIRONMENTAL PERFORMANCE STANDARDS

Sec. 26-221. - Scope of provisions.

Every use, activity, process or operation located or occurring in the city shall comply with the environmental performance standards prescribed in this division, and no existing use, activity, process or operation shall be hereafter altered or modified so as to conflict with, or further conflict with, such environmental performance standards. If, as of the date of adoption of this article, the operations of any lawful existing use violates these environmental performance standards, such operations shall not be varied or changed in any way as to increase the degree of such violation. The operation of any existing conforming use in violation of the environmental performance standards shall not in itself make such use subject to division 8, nonconforming uses.

(Ord. No. 3140, § 1(6.01), 11-14-89)

Sec. 26-222. - Administration and enforcement.

- (a) Whenever, in the opinion of the director of public works, there is a reasonable probability that any use or occupancy violates these environmental performance standards, he shall give written notice of at least seven (7) days' duration that the use or occupancy must be corrected. In case of an emergency he may take such immediate action as he deems appropriate to correct the violations. He is hereby authorized to employ a qualified technician or technicians to perform whatever investigations and analyses as are necessary to determine whether or not they are, in fact, being violated.
- (b) In the event that a violation is found to exist, the violator shall be liable for the reasonable fee of the technicians employed to perform such investigations and analysis. Such fees may be recovered as a penalty in the same manner as, and in addition to, the penalties specified in section 26-326.

(Ord. No. 3140, § 1(6.02), 11-14-89)

Sec. 26-223. - Performance standards.

- (a) *Vibration*. Every use shall be so operated that the maximum ground vibration generated is not perceptible without instruments at any point on the lot line of the lot on which the use is located, except that vibration caused by blasting conducted in accordance with the requirements of the explosives code, Chapter 711, St. Louis County Revised Ordinances (SLCRO), may exceed these limitations.
- (b) *Noise*. Every use shall be so operated that the pressure level of sound or noise generated does not exceed the limitations of the noise control code, Chapter 625 SLCRO.
- (c) *Odor*. Every use shall be so operated that no offensive or objectionable odor is emitted in accordance with the requirements of the air pollution code, Chapter 612 SLCRO.
- (d) *Smoke*. Every use shall be so operated that no smoke from any source shall be emitted that exceeds the emission levels in the requirements of the air pollution code, Chapter 612 SLCRO.
- (e) *Toxic gases*. Every use shall be so operated that there is no emission of toxic, noxious, or corrosive fumes or gases which exceed the emission levels, of the air pollution code, Chapter 612 SLCRO.
- (f) *Emission of dirt, dust, fly ash, and other forms of particulate matter*. The emission of dirt, dust, fly ash and other forms of particulate matter shall not exceed the emission levels in the requirements of the air pollution code, Chapter 612 SLCRO.
- (g) *Radiation*. Every use shall be so operated that there is no dangerous amount of radioactive emissions.

- (h) *Glare and heat.* Any operation producing intense glare or heat shall be performed in an enclosure in such manner as to be imperceptible along any lot line without instruments.
- (i) *Fire and explosion hazard.*
 - (1) The storage or utilization of solid materials ranging from incombustible to moderate burning is permitted.
 - (2) The storage or utilization of solid materials ranging from free or active burning to intense burning is permitted provided the following conditions are met:
 - a. The materials shall be stored or utilized within completely enclosed buildings or structures having incombustible exterior walls and handled in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - b. All such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - c. Such materials, if stored outdoors, shall be no closer than one hundred fifty (150) feet to the nearest lot line or in conformance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - (3) The storage or utilization of flammable liquids or materials which produce flammable or explosive vapors shall be permitted in accordance with the following limitations, exclusive of storage in underground tanks and storage of finished products in original sealed containers:
 - a. Such materials or products shall be stored or utilized within completely enclosed buildings having incombustible exterior walls and handled in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors, and, in addition, all such buildings shall be protected throughout by an automatic fire extinguishing system installed in accordance with the standards and regulations of the fire protection district and the National Fire Protection Association or its successors.
 - b. The above-ground outdoor storage of flammable liquids is prohibited.
 - c. The total of the flammable liquids permitted on any tract shall not exceed five thousand (5,000) gallons.
- (j) *Grease traps.* Food service businesses within the city must comply with the following conditions in connection with their use of grease traps.
 - (1) Except as provided for in subsection (j)(4) below, grease traps shall be physically cleaned and the grease disposed of off-site at least once every three (3) months and the business must notify the city health inspector as to the date and time of each cleaning; and
 - (2) Each business shall maintain records documenting grease trap cleanings which include the date(s) of cleaning, time(s) of cleaning and disposal method. The records shall be maintained for a period of twenty-four (24) months from the date of any given manual cleaning; and shall be available for review by the health inspector during the restaurant's normal business hours; and
 - (3) If the city health inspector determines that any grease trap is not functioning properly or is undersized, the business shall correct any such inadequacy in a manner deemed satisfactory to the health inspector. The health inspector shall make a record of any inadequacies so determined and the corrective measures taken: and

Upon a finding of documented continuous adequacy and sufficient capacity, the health inspector shall be authorized to reduce the frequency of manual cleaning as required herein to not less than once every six (6) months; and

(5) Any business violating any of the provisions of this section shall be guilty of an offense.

(Ord. No. 3140, § 1(6.03), 11-14-89; Ord. No. 3671, § 1, 6-12-01)

Sec. 26-224. - Future revisions.

Any addition, modification or change in any regulations, code, ordinance or other standard referred to in the performance standard regulations shall become a part of these regulations.

(Ord. No. 3140, § 1(6.04), 11-14-89)

Secs. 26-225—26-230. - Reserved.

DIVISION 7. - OFF-STREET PARKING AND LOADING REQUIREMENTS

Sec. 26-231. - Applicability.

For every use, activity or structure permitted by this article and for all buildings or structures erected in accordance therewith, there shall be provided sufficient space for access and off-street standing, parking, circulation, unloading and loading of motor vehicles that may be expected to transport its occupants, whether as patrons, residents, customers, employees, guests or otherwise, to an establishment, activity or place of residence at any time under normal conditions of any purpose. When a use is expanded, accessory off-street parking and loading shall be provided in accordance with the regulations herein for the area or capacity of such expansion, and including that which would be required for the previously existing uses, structure or activity.

(Ord. No. 3140, § 1(7.01), 11-14-89)

Sec. 26-232. - Site plan required.

Every building permit application for a new, enlarged, or remodeled building, structure, or use other than a single-family residence shall include therewith a parking site and landscape plan. In addition, such parking site and landscape plan requirements shall also apply to new, enlarged, or remodeled parking facilities serving existing buildings, structures, or uses. Approval of such a plan shall include, for review and approval by the planning commission, any and all existing parking facilities currently serving the buildings, structures and uses for conformity with these regulations as well.

(a) *Parking plan requirements.* In addition to the requirements of division 9, "site plan approval", the plan shall also specifically include the following:

- (1) Delineation of individual parking and loading spaces.
- (2) Circulation area necessary to serve spaces.
- (3) Access to streets and property to be served.
- (4) Driveway and traffic aisle width, location of all curbs and curbing materials.
- (5) Dimensions, continuity, and substance of required screening.
- (6) Grading, drainage, surfacing, and subgrading details.
- (7) Delineation of obstacles to parking and circulation in finished parking area.
- (8) Specification as to signs and bumper guards.

- (10) Lighting including other pertinent details such as fixture cuts, light spread characteristics, etc.
- (11) Dimensions indicating setback and parking lot design layout.

(Ord. No. 3140, § 1(7.02), 11-14-89; Ord. No. 3378, § 1(p.), 9-22-95)

Sec. 26-233. - Design requirements.

- (a) *Surface material.* Areas used for standing and maneuvering of vehicles shall have concrete or asphaltic concrete surfaces, and maintained adequately for all-weather use.
- (b) *Access to parking areas.* All off-street parking spaces, except for single-family residential uses, that make it necessary to back out directly into a public road are prohibited. Also, no driveway or parking areas of an industrial, commercial, or multiple-family use that will lie adjacent to a one- or two-family use or zoning district shall be located closer than ten (10) feet to the common property line.
- (c) *Access near street corners.* No entrance or exit for any off-street parking area with over four (4) parking spaces, nor any loading berth, shall be located within seventy-five (75) feet of the intersection of any two (2) street right-of-way lines.
- (d) *Drainage.* All off-street parking areas shall be drained so as to prevent drainage onto abutting properties or across sidewalks.
- (e) *Lighting.* Any lighting fixtures used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residential lot, institutional premises, or adjacent streets.
- (f) *Reserved.*
- (g) *Setback.* All required parking spaces may be located in a required front yard, side yard or rear yard provided that a five-foot setback shall be maintained between the parking space(s) and any property line; however, in no instance shall a parking lot be located in a required transition strip. (See section 26-234, landscaping and screening regulations.)

Exception: Where the proposed parking area will be located with the side yard or front yard adjacent to a C-1 or M-1 zoned property and where internal access will be provided between the two (2) properties, the five-foot setback requirement shall not apply.

- (h) *Striping required.* Open parking spaces for multiple-family dwellings (containing three (3) or more dwelling units) shall be delineated by pavement striping and must meet minimal parking stall sizes as described below in subsection (i).
- (i) *Minimum off-street parking space dimensions.* The regulations of this subsection shall govern the dimensions of off-street parking spaces, including those provided in developments approved in planned districts or by special procedure.

Except as otherwise provided for in this subsection, all uses, except for single-family residential, shall comply with the following parking requirements:

(1) Parking table.

A	B	C	D	E	F	G
45°	9.0'	19.7'	12.5'	12.7'	51.9'	45.6
60°	9.0'	21.0'	17.5'	10.5'	59.5'	55.0

90°	9.0'	19.0'	22.0'	9.0'	60.0'	—
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<i>A</i>	Parking angle
<i>B</i>	Stall width
<i>C</i>	Nineteen (19) feet minimum stall to curb
<i>D*</i>	Aisle width
<i>E</i>	Curb length per car
<i>F</i>	Curb to curb
<i>G</i>	Center to center width of double row with aisle between

*Additional width may be required where the aisle serves as the principal means of access to onsite buildings or structures.

- (2) In the event that the desired parking angle is not specified by the above table, the director of public works may specify other equivalent dimensions associated with the desired parking angle by interpolating from dimensions listed in the table.
- (3) A stall dimension of eight and one-half (8½) feet by eighteen (18) feet or equivalent may be utilized for off-street parking stalls provided in excess of the minimum requirements as set forth in this section when designated for compact car use.
- (4) On-site parallel parking stalls shall be nine (9.0) feet by twenty-two (22.0) feet adjacent to a twenty-two-foot two-way lane or a fifteen-foot one-way lane.
- (5) Loading spaces shall have a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.
- (6)
 - a. Parking spaces for the physically handicapped shall comply with the standards set forth by the American National Standards Institute (ANSI) Code.
 - b. In shopping centers, ramps from parking areas or drive aisles for the physically handicapped shall be provided along the sidewalks abutting building frontages at intervals of not more than sixty (60) feet.
 - c. The number of spaces that shall be reserved for the physically handicapped shall comply with the following table.

Accessible Parking Spaces

Total Parking in Lot	Required Number of Accessible Spaces
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Up to <u>25</u>	1
<u>26</u> to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 to 1000	2% of total
Over 1000	<u>20</u> plus 1 for each 100 over 1000

(7) Curbed islands are required at ends of aisles where necessary for traffic control or drainage.

(Ord. No. 3140, § 1(7.03), 11-14-89; Ord. No. 3378, § 1(q.), 9-22-95)

Sec. 26-234. - Screening and landscaping.

All parking and loading areas shall be properly screened and landscaped in accordance with the standards and requirements of division 11 of this article.

(Ord. No. 3140, § 1(7.04), 11-14-89; Ord. No. 3378, § 1(r.), 9-22-95)

Sec. 26-235. - Administrative requirements.

(a) *Determination of required number of spaces:*

- (1) *Fractional spaces:* When determination of the number of off-street parking spaces required by this regulation results in a requirement of a fractional space, the fraction of one-half ($\frac{1}{2}$) or less may be disregarded, and a fraction in excess of one-half ($\frac{1}{2}$) shall be counted as one (1) parking space.
- (2) *Floor area:* When used as a measurement for determining the number of parking spaces, shall mean the gross floor area, except for areas used for storage areas, stairwells, and mechanical equipment rooms.
- (3) *Employees:* Employees, when used as a measurement for determining the number of parking spaces for a new or established expanding business, shall be based on the number of employees in the largest shift [sic].

Parking exception for churches: Off-street parking facilities required for churches may be reduced by fifty (50) percent where churches are located in nonresidential districts and within three hundred (300) feet of usable public or private off-street parking areas.

- (c) *Parking for multiple use buildings:* The number of parking spaces required for land or buildings used for two (2) or more purposes, shall be the sum of the requirements for the various uses, computed in accordance with this article. Parking facilities for one (1) use shall not be considered as providing the required parking facilities for any other use, except churches.
- (d) *Use of required parking spaces:* Required accessory off-street parking facilities provided for the uses hereinafter listed shall be solely for the parking of motor vehicles in operating condition of patrons, occupants, or employees of such uses and shall not be used for the storage of vehicles, boats, motor homes, campers, mobile homes or materials or for the parking of trucks used in conducting the business or use.
- (e) *Parking in residential districts:*
 - (1) In residential zones, overnight parking shall be limited to passenger vehicles, recreational vehicles, and not more than one (1) commercial vehicle of the light delivery type, not to exceed one (1) ton in manufacturer's rated hauling capacity, shall be permitted per dwelling unit.
 - (2) Parking spaces for all types of uses may be provided either in garages or parking areas conforming with the provisions of this article. Required off-street parking spaces stipulated in this article may not overlap sidewalks or the street right-of-way.
 - (3) No person, firm, corporation, or partnership shall drive through, park, or conduct any activity from a pick-up truck rated more than one (1) ton, four-wheel van, semitractor, or commercial vehicle upon any street, highway, or roadway within a residential area except for local deliveries. The parking of such vehicles upon any private or public parking lot in any residential area is expressly prohibited without the permission of the property owner or agent for the property. Any police officer of the city may cause the removal of any vehicle or part thereof from any residential area where found in violation of the requirements of this article. Any expense incurred by said removal shall be at the expense of the driver, operator, or owner of the towed unit.
- (f) *Accessory parking lots:* All required off-street parking or loading spaces shall be provided on the same parcel of land occupied by the use or building to which it is appurtenant; provided, however, that where there are, in the judgment of the planning commission, practical difficulties in satisfying the requirement for parking space and/or if the public safety or convenience would be better served by another location, the planning commission may recommend to the board of aldermen the authorization of an alternate location for any portion of the required parking for a nonresidential use which will adequately serve the public interest, subject to the following conditions.
 - (1) Required accessory off-street parking facilities may be provided elsewhere than on the lot on which the principal use served is located, provided that the property occupied as parking is in the same possession, either by deed, by easement, or by long-term lease which has a term equal to or exceeding the projected life or term of lease of the facility occupied by the principal use, and further provided that the owner shall be bound by covenants filed on record in the office of the county recorder, requiring the owners, heirs or assigns, to maintain the required number of off-street parking spaces during the existence of such principal use.
 - (2) Pedestrian access shall be available within a walking distance of not more than three hundred (300) feet measured from the nearest point of public access to the building to the nearest part of the accessory parking area.

- (3) Such separated parking space shall be usable without causing unreasonable traffic congestion, detriment to any residential neighborhood or hazard to pedestrians or vehicular traffic.
- (4) All accessory parking lots shall be located on property zoned within the same zoning district.
- (g) *Changes in use:* No off-street parking space required under this article shall be used for any other purpose. Where a change in use creates greater parking requirements than the amount being provided, an occupancy permit shall not be issued until provision is made for the increased amount of required off-street parking.
- (h) *Additions to structures, buildings or uses:* Where an addition is made to an existing structure, building, or use which does not comply with the parking requirements cited for such structure, building, or use, the parking requirements supplied for the addition shall include those spaces necessary to bring the structure, building, or use as a whole into conformance with the requirements of this article.
- (i) *Existing parking:* No parking area or parking space which exists at the time this article becomes effective or which subsequent thereto is provided for the purpose of complying with the provisions of this article shall thereafter be relinquished or reduced in any manner below the requirements established by this article.
- (j) *Maintenance of parking facilities:* Any person operating or owning a parking lot shall keep it free, as may be practical, of dust and loose particles and shall promptly remove the snow and ice from the surface of the parking lot. Such persons shall also keep all adjacent sidewalks free from dirt, ice, sleet and snow and shall keep the sidewalks in a safe condition for use by pedestrians. All signs, markers or any other methods used to indicate direction of traffic movement and location of parking spaces shall be maintained in a neat and legible condition. Likewise any walls, landscaping, including trees and shrubbery, as well as surfacing and curbing of the parking lot, shall be maintained in good condition throughout its use for parking purposes, and the board of aldermen shall have the authority to prohibit the use of the area for parking purposes unless and until proper maintenance, repair or rehabilitation is completed, including the replacement of any landscaping material which may die from time to time, or the failure of the landscape irrigation or surface drainage system within the parking area.

(Ord. No. 3140, § 1(7.05), 11-14-89)

Sec. 26-236. - Schedule of required parking and loading spaces.

(a) *Residential and lodging uses:*

- (1) *Dwellings (one-family, two-family, multifamily).* Two (2) parking spaces per dwelling unit.
No loading spaces required.

- (2) *Motel/hotel.* One (1) parking space per guest room, plus one (1) space per every two (2) employees.

See table B for loading space requirement.

(b) *Commercial uses:*

- (1) *Indoor retail uses.* Five (5) parking spaces for each one thousand (1,000) square feet of floor area, except as otherwise herein noted.

See table B for loading space requirement.

- (2) *Personal service uses.* Five (5) parking spaces per one thousand (1,000) square feet, except as otherwise herein noted.

- (3) *General offices.* Five (5) parking spaces per one thousand (1,000) square feet of floor area.
See table B for loading space requirement.
- (4) *Financial institutions.* Four (4) parking spaces per one thousand (1,000) square feet of floor area, plus one (1) space for each electronic teller, plus five (5) stacking spaces for each drive-through teller position.
No loading spaces required.
- (5) *Automobile, truck, recreational vehicle, and equipment sales and service.* One (1) parking space per three thousand (3,000) square feet of open sales lot area devoted to the sale, display, or rental of such vehicles or equipment; or four (4) spaces for every one thousand (1,000) square feet of interior showroom, whichever is greater; plus three (3) spaces for every service bay in garage repair areas, plus one (1) for each employee.
See table A for loading space requirement.
- (6) *Automobile service facility.* One (1) parking space located at each fuel dispenser, plus three (3) spaces for each service bay, or similar facility, plus one (1) space for each vehicle used directly in conduct of the business or stored on the premises, and one (1) space for each employee.
Required space marking shall not apply to spaces associated with fuel dispensers.
No loading spaces required.
- (7) *Car wash—Mechanical.* Stacking area five (5) times the capacity of the car wash, plus one (1) parking space per employee.
No loading spaces required.
- (8) *Car wash—Self service.* Five (5) stacking spaces for each car washing stall and two (2) drying spaces for each car washing stall.
No loading spaces required.
- (9) *Clubs, lodges.* Parking and loading spaces equivalent to the combined requirements of the uses being conducted, such as hotel, restaurant, auditorium, etc.
- (10) *Food markets and convenience stores under five thousand (5,000) square feet in floor area.* Four (4) parking spaces for every one thousand (1,000) square feet of floor area.
See table B for loading spaces requirement.
- (11) *Food markets and convenience stores over five thousand (5,000) square feet in floor area.* Seven (7) parking spaces for every one thousand (1,000) square feet of floor area.
See table A for loading spaces requirement.
- (12) *Funeral homes, mortuaries.* One (1) parking space for every four (4) seats (one (1) seat represents two (2) feet of bench length) in the parlor(s), auditorium, or chapel with a minimum of ten (10) total spaces provided, or one (1) space for every fifty (50) square feet gross floor area when there is no fixed seating.
No loading spaces required.
- (13) *General contracting services.* Four (4) parking spaces for every one thousand (1,000) square feet of floor area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use or stored upon the property.

No loading spaces required.

- (14) *Restaurants, bars, taverns without drivethrough facilities.* Eighteen (18) parking spaces per one thousand (1,000) square feet of seating floor area, plus two (2) spaces for every three (3) employees on the maximum shift.

No loading spaces required.

- (15) *Restaurants, bars, taverns with drive-through or carry-out facilities.* Thirty-two (32) parking spaces for every one thousand (1,000) square feet of seating area two (2) spaces for every three (3) employees on the maximum shift, plus ten (10) stacking spaces for each drive-through window and/or lane.

No loading spaces required.

- (16) *Vehicle storage lots.* Two (2) parking spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in the conduct of the business or stored upon the premises.

No loading spaces required.

- (17) *Office/warehouse.* Parking and loading spaces shall be calculated based upon the use of thirty-seven and one-half (37½) percent of the total square footage of building or buildings for office use and the remaining sixty-two and one-half (62½) percent will be based on warehouse use.

(c) *Industrial and transportation related uses:*

- (1) *Manufacturing plants.* One (1) parking space for every employee on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.

See table A for loading spaces requirement.

- (2) *Warehouses.* One (1) parking space for every one thousand (1,000) square feet of floor area within the warehouse, plus four (4) spaces for every one thousand (1,000) square feet of floor area in office use, plus one (1) space for vehicle used in the operation of the use or stored on the premises.

See table A for loading spaces requirement.

- (3) *Terminal (air, bus, railroad, truck, and watercraft).* One (1) parking space for every two hundred (200) square feet of lobby area, plus two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use or stored on the premises.

See Table A for loading spaces requirement.

- (4) *Storage of sand, gravel and similar materials.* Two (2) parking spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle used in the operation of the use, or stored on the premises.

No loading spaces required.

(d) *Cultural and recreational uses:*

- (1) *Athletic fields.* Twenty (20) parking spaces for every diamond or athletic field, or one (1) space for every four (4) seats, whichever is greater. (One (1) seat is equal to two (2) feet of bench length).

No loading spaces required.

- (2) *Auditoriums, theaters, meeting rooms and places for public assembly (except as noted herein).* One (1) parking space for every two and five-tenths (2.5) seats based on maximum seating capacity.
See table B for loading spaces requirement.
- (3) *Bowling alleys.* Five (5) parking spaces for every lane.
No loading spaces required.
- (4) *Community centers and private, not-for-profit recreation centers, including gymnasiums and indoor swimming pools.* Four (4) parking spaces for every one thousand (1,000) square feet gross floor area.
No loading spaces required.
- (5) *Gymnasium without bleachers or fixed seating (except as noted herein).* One (1) parking space for every one hundred (100) square feet of gross floor area.
No loading spaces required.
- (6) *Handball, racquetball courts.* Three (3) parking spaces for every court.
No loading spaces required.
- (7) *Ice and roller rinks.* One (1) parking space for every one hundred (100) square feet of skating area or playing surface.
No loading spaces required.
- (8) *Indoor soccer.* Fifty (50) parking spaces for every playing field, plus one (1) space for every three (3) seats of spectator seating (one (1) seat equals two (2) feet of bench length), plus two (2) spaces for every three (3) employees on the maximum shift, but in no case less than one hundred (100) spaces.
No loading spaces required.
- (9) *Parks, playgrounds, picnic grounds.* Parking space equivalent to one (1) percent of the total land area. Parking area available along park roads or private drives may be used to fulfill this requirement.
No loading spaces required.
- (10) *Recreation centers.* Four (4) parking spaces for every one thousand (1,000) square feet gross floor area.
No loading spaces required.
- (11) *Stadiums, sports arenas, and gymnasiums with spectator facilities.* One (1) parking space for every two and five-tenths (2.5) seats (one (1) seat is equal to two (2) feet of bench length), plus two (2) spaces for every employee on the maximum shift.
See table A for loading spaces requirement.
- (12) *Swimming pools.* Two (2) parking spaces for every one hundred (100) square feet of water area.
No loading spaces required.
- (13) *Tennis courts.* Three (3) parking spaces for every court.
No loading spaces required.

- (1) *Churches.* One (1) parking space for every four (4) seats (one (1) seat equals two (2) feet of bench length), plus one (1) space for every vehicle customarily used in operation of the use or stored on the premises.
No loading spaces required.
- (2) *Hospitals.* One (1) parking space for every two (2) beds, plus one (1) space for every staff doctor and employee on the maximum shift.
See table B for loading spaces requirement.
- (3) *Medical and dental offices and clinics.* Four and one-half (4½) spaces for every one thousand (1,000) square feet gross floor area, or four (4) spaces for every doctor and one (1) space for every additional employee, whichever is greater.
No loading spaces required.
- (4) *Libraries, reading rooms.* Five (5) parking spaces for every one thousand (1,000) square feet gross floor area, one (1) space for every six (6) seats in an accessory auditorium, and two (2) spaces for every three (3) employees on the maximum shift.
No loading spaces required.
- (5) *Nursing homes.* One (1) parking space for every five (5) beds, one (1) space for every self-care unit, and one (1) space for every two (2) employees on the maximum shift.
See table B for loading spaces requirement.
- (6) *Postal stations.* Four (4) parking spaces for every customer service station, two (2) spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use and stored on the premises.
See table A for loading spaces requirement.
- (7) *Schools, public and private, all grades and vocational.* One (1) parking space for every classroom and office, and one (1) space for every two (2) students over sixteen (16) years of age, plus one (1) space for every two (2) employees on maximum shift.
No loading spaces required.
- (8) *Cemeteries.* Two (2) parking spaces for every three (3) employees on the maximum shift, plus one (1) space for every vehicle customarily used in operation of the use, or stored on the premises, plus one (1) space for every four (4) seats in auditorium or chapel.
No loading spaces required.
- (9) *Schools, nursery/preprimary/day care.* Two (2) spaces, plus one (1) space for every employee on the maximum shift; a paved unobstructed pick-up space with adequate stacking area (as determined by the director of public works) shall be provided in addition to standard driveway and parking requirements, or one (1) space for every six (6) children; a safe pedestrian walkway system as approved by the director of public works shall be provided through parking areas to the building entrance, with a safety zone a minimum of fifteen (15) feet in width between parking spaces in front of the building entrance, shall be provided in addition to standard driveway parking requirements.
No loading spaces required.

Research facilities and laboratories. Four (4) parking spaces for every one thousand (1,000) square feet of floor area up to fifty thousand (50,000) square feet, plus two (2) spaces for every one thousand (1,000) square feet of floor area over fifty thousand (50,000) square feet.

See table B for loading spaces requirement.

- (11) *Veterinary clinics, animal hospitals, kennels.* Four (4) parking spaces for every doctor, plus one (1) for every additional employee.

No loading spaces required.

TABLE A

Gross Floor Area (Square Feet)	Number of Minimum 10'×40' Loading Spaces*
5,000—24,000	1
24,000—60,000	2
60,000—96,000	3
96,000—144,000	4
144,000—192,000	5
192,000—240,000	6
240,000—294,000	7
294,000—348,000	8
For each additional 54,000	1 additional loading space

TABLE B

Gross Floor Area (Square Feet)	Number of Loading Spaces	
	10'×25' Min.	10'×40' Min.*
2,000—10,000	1	
10,000—25,000	2	

25,000—100,000	2	1
For each additional 100,000		1 additional

* Each ten-foot by forty-foot loading space shall have a height clear of obstruction of not less than fourteen (14) feet.

(Ord. No. 3140, § 1(7.06), 11-14-89)

Secs. 26-237—26-250. - Reserved.

DIVISION 8. - NONCONFORMING USES

Sec. 26-251. - Scope of provisions.

The provisions of this division shall apply to all nonconforming uses, lands, and structures. A nonconforming land use or structure is one which existed lawfully whether by variance or otherwise, on the date this article or any amendment thereto became effective, and which fails to conform to one (1) or more of the applicable regulations of this article or such amendment thereto.

Such nonconformities may be incompatible with and detrimental to permitted land uses and structures in the zoning districts in which they are situated; they inhibit present and future development of nearby properties; and they confer upon their owners and users a position of unfair advantage.

(Ord. No. 3140, § 1(8.01), 11-14-89)

Sec. 26-252. - Statement of intent.

Nonconformities are not to be expanded, and they should be abolished or reduced to conformity as quickly as the fair interest to the parties will permit.

(Ord. No. 3140, § 1(8.02), 11-14-89)

Sec. 26-253. - Nonconforming uses of lots.

Where, on the date of adoption or amendment of this article, a lawful use of a parcel or lot exists that is no longer permissible under the provisions of this article or amendment thereto, such principal use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (a) *Enlargement*: No such nonconforming use of a parcel or lot shall be enlarged, expanded or extended to occupy a greater area of land than was occupied on the date of adoption or amendment of this article and no additional accessory use, building, or structure shall be established thereon.
- (b) *Relocation*: No such nonconforming use of a parcel or lot shall be moved in whole or in part to any other portion of such parcel or lot not so occupied on the date of adoption of this article or amendment thereto or to a parcel or lot not in conformance with this article.
- (c) *Discontinuance*: If such nonconforming use of a parcel or lot ceases for any reason for a period of more than one hundred eighty (180) consecutive days (except where government action causes

provisions set by this article for the district in which such parcel or lot is located.

(Ord. No. 3140, § 1(8.03), 11-14-89)

Sec. 26-254. - Nonconforming buildings and structures.

Where, on the date of adoption or amendment of this article, a lawful building or structure exists that could not be built under the regulations of this article or amendment thereto by reason of restrictions upon lot area, lot width, lot coverage, height, open spaces, off-street parking, loading spaces and setbacks, or other characteristics, such building or structure may be continued so long as it remains otherwise lawful subject to the following provisions:

- (a) *Enlargement*: Such building or structure may be enlarged, expanded, extended, or altered only if nonconformity is removed.
- (b) *Damage*: Should any such building or structure be damaged by any means to an extent of more than fifty (50) percent of its replacement cost at the time of damage, it shall not be reconstructed except in conformity with the provisions of this article.
- (c) *Relocation*: Should any such building or structure be moved for any reason for any distance, it shall thereafter conform to the regulations of the district in which it is located after it is moved.

(Ord. No. 3140, § 1(8.04), 11-14-89)

Sec. 26-255. - Nonconforming uses of buildings and structures.

Where, on the date of adoption or amendment of this article, a lawful use of a building or structure exists that is no longer permissible under the regulations of this article or amendment thereto, such use may be continued so long as it remains otherwise lawful subject to the following provisions:

- (a) *Enlargement*: An existing building or structure shall not be enlarged, constructed, reconstructed, moved, or structurally extended or altered except to change the use of such building or structure to a use permitted in the district in which such building or structure is located.
- (b) *Change in use not permitted*: Although an existing nonconforming use may continue, except as hereinafter limited, it may not be changed to another use, except a use permitted in the district in which it is situated.
- (c) *Discontinuance*: When a nonconforming use of a building or structure is discontinued or abandoned for more than one hundred eighty (180) consecutive days (except where government action prevents access to the premises) the building or structure shall not thereafter be used except in conformance with the regulations of the district in which it is located.

(Ord. No. 3140, § 1(8.05), 11-14-89)

Sec. 26-256. - Repairs and maintenance.

- (a) Nothing in this article shall be deemed to prohibit the restoration of any structure and its use where such structure has been damaged by any means out of the control of the owner to an extent less than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land, and the value of any foundation adaptable to a conforming use) at the time of damage, provided the restoration of such structure and its use in no way increases any former nonconformity, and provided further that restoration of such structure is begun within one hundred eighty (180) days of such damage and diligently prosecuted to completion within two (2) years following such damage.

Whenever such structure has been damaged to an extent of more than fifty (50) percent of its replacement value (excluding the value of the land, the cost of preparation of land and the value of any foundation adaptable to a conforming use) at the time of damage, as determined by the director of public works, or by any means within the control of the owner to any extent whatsoever, the structure shall not be restored except in full conformity with all regulations of the district in which such structure is situated.

- (c) When a structure is determined to be in violation of any applicable health or safety code by the director of public works under any applicable ordinance of the city and the cost of placing the structure in condition to satisfy the standards under such ordinance shall exceed fifty (50) percent of the reconstruction cost of the entire structure, such nonconforming structure shall not be restored for the purpose of continuing a nonconforming use.
- (d) None of the restrictions contained in this section shall limit the authority of the board of zoning adjustment to grant relief for reconstruction of a nonconforming structure, as provided in division 13, board of zoning adjustment.

(Ord. No. 3140, § 1(8.06), 11-14-89)

Sec. 26-257. - Change of tenancy or ownership.

Provided there is no change in the nature or character, extent or intensity of such nonconforming use, building or structure, other than signage, there may be a change of tenancy, ownership, or management of an existing nonconforming use, building or structure.

(Ord. No. 3140, § 1(8.07), 11-14-89)

Sec. 26-258. - Completion of pending construction and building permits.

To avoid undue hardships, nothing in this article shall be deemed to require a change in plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this article and upon which actual building construction has been carried on diligently. Nothing herein contained shall require any change in the site plan or designated use of a building for which a building permit had been heretofore issued, or plans or final subdivision plats which have been approved by the city at the time of the passage of this article or amendment provided that actual construction is begun within one hundred eighty (180) days of such permit issuance of approval thereto.

(Ord. No. 3140, § 1(8.08), 11-14-89)

Sec. 26-259. - Conditional uses.

Any use existing at the time of adoption or amendment to this article and which is permitted as a conditional use in a district under the terms of this article or amendment shall be deemed a conforming use in such district, and shall without further action be considered a conforming use.

(Ord. No. 3140, § 1(8.09), 11-14-89)

Sec. 26-260. - Nonconforming lots of record.

However, if through dedication of street right-of-way, the area of any lot or parcel already established via the provisions of the subdivision regulations is decreased below the minimum area required in the applicable zoning district, development rights shall not be denied.

Sec. 26-261. - Existence of nonconforming use.

A nonconformity shall not be deemed to have existed on the date this article or any amendment thereto became effective; unless:

- (a) It was in being on a continuous basis and to its fullest extent on such date.
- (b) If such nonconformity is a use, such use had not been abandoned.

In cases of doubt, and on specific questions raised, whether a nonconforming use exists shall be a question of fact and shall be decided by the board of aldermen after notice, a public hearing, and receipt of a report and recommendation of the planning commission.

(Ord. No. 3140, § 1(8.11), 11-14-89)

Sec. 26-262. - Joint use of buildings, structures, and/or land.

Where a nonconforming use exists, and a conforming use is proposed, the nonconforming use must cease upon initiation of the conforming use. No joint use of either buildings, structures, and or land shall be permitted.

(Ord. No. 3140, § 1(8.12), 11-14-89)

Sec. 26-263. - Nonconformity as basis for variance.

The existence of any present nonconformity anywhere in the city shall not itself be considered grounds for the issuance of a variance for other property.

(Ord. No. 3140, § 1(8.13), 11-14-89)

Sec. 26-264. - Eventual removal or correction of nonconforming use.

Within five (5) years of the date of the adoption of this article or the date of adoption of any applicable amendments to this article, any use which is or becomes a nonconforming use, shall be brought into conformance with the environmental performance standards established in division 6, environmental performance standard regulations. Any use listed in this paragraph need not be discontinued in the event that the adoption of this article or amendments to this article changes the status of such use from that of a nonconforming use to that of a permitted use in the district in which it is located.

(Ord. No. 3140, § 1(8.14), 11-14-89)

Secs. 26-265—26-280. - Reserved.

DIVISION 9. - SITE PLAN APPROVAL

Sec. 26-281. - Purpose.

It is recognized by this article that there is a value to the public in establishing safe and convenient traffic movement to higher density sites, both within the site and in relation to access streets; that there is value in encouraging a harmonious relationship of buildings and uses both within a site and in relation to adjacent uses; further that there are benefits to the public in conserving natural resources. Toward these ends, this article requires site plan review and approval by the planning commission for certain buildings and structures that can be expected to have a significant impact on natural resources, traffic patterns, adjacent land usage, and the character of future urban development.

The site plan is intended to demonstrate character and objectives of the proposed development in adequate detail for the planning commission and board of aldermen to evaluate the effect the proposed development would have on the community, and determine what provisions, if any, should be included as part of the plan and be binding on the use and development of the property.

(Ord. No. 3140, § 1(9.01), 11-14-89; Ord. No. 3270, § 1(9.01), 7-13-93)

Sec. 26-282. - Buildings, structures, and uses requiring site plan.

The director of public works shall not issue a building permit for the construction of the following buildings, structures and exterior modifications unless a detailed site plan has been reviewed and approved and such approval is in effect:

- (a) All uses indicated in sections 26-166, "C-1", and 26-167, "M-1."
- (b) A planned development district in accordance with the provisions specified in section 26-168, "P.D."

(Ord. No. 3140, § 1(9.02), 11-14-89; Ord. No. 3270, § 1(9.02), 7-13-93)

Sec. 26-283. - Application and fee.

An application for site plan approval may be filed by the record owner or owner(s) under contract, or their authorized representatives by filing same with the director of public works and payment of the filing fee as required by the city. An applicant shall file at least twenty-four (24) copies of such site plan.

(Ord. No. 3140, § 1(9.03), 11-14-89; Ord. No. 3270, § 1(9.03), 7-13-93; Ord. No. 3613, § 1, 4-11-00)

Sec. 26-284. - Required data for site plan.

Every site plan submitted for consideration shall be in accordance with the requirements of this section.

- (a) The site plan shall be of a scale not to be greater than one (1) inch equals twenty (20) feet nor less than one (1) inch equals two hundred (200) feet, and of such accuracy that the plan can be readily interpreted, and shall include more than one (1) drawing or specific details where required for clarity.
- (b) The property shall be identified by lot lines and location, including dimensions, angles, and size, correlated with the legal description of the property. The site plan shall be designed and prepared by a qualified land planner, registered professional architect, engineer or land surveyor. It shall also include the name and address of the property owner(s), developer(s), and designer(s).
- (c) It shall show the scale, north point, boundary dimensions, natural features such as woodlots, streams, lakes, storm drains, existing manmade features such as buildings, structures, easements, high tension towers, pipe lines, excavations, bridges and culverts, and shall identify adjacent properties within one hundred (100) yards, their respective zoning, and their existing uses.
- (d) It shall show the existing topography and finished grade line elevations at two-foot contour intervals as well as the proposed finished floor elevation for all structures.
- (e) It shall show the dimensions of the proposed main and accessory buildings, their relation one (1) to another and to any existing structures to remain on the site, the height of all buildings and structures and the distance from all proposed buildings and structures to the nearest adjacent

property line.

- (f) It shall show the existing and proposed streets, driveways, sidewalks and other vehicular and pedestrian circulation features within and adjacent to the site; also the location, size and number of parking spaces in the off-street parking areas and the identification of service lands, service parking and loading zones, in conformance with the requirements set forth in division 7.
- (g) It shall show the location and size of all existing utilities (public and private) serving the property as well as the location and size of all proposed utilities to serve the property. All necessary utilities (public and private) will be available, functioning, and usable at the time any stage of the project or the total project is ready for occupancy.
- (h) A landscape plan which meets the standards and requirements of division 11 of this article shall be included as a part of the site plan submitted.
- (i) It shall show architectural elevations of all proposed buildings and structures, identifying all materials proposed, as well as floor plans for each.
- (j) A lighting plan which meets the standards and requirements of section 26-190 shall be included as part of the site plan submitted.
- (k) The location, type, and nature of screening proposed for all trash collection areas.
- (l) Any other information deemed necessary by the commission.

Note: All plans, architectural drawings, renderings or other materials or visual aids either submitted with the application or presented thereafter shall become the property of the city and part of the permanent record of any approval.

(Ord. No. 3140, § 1(9.04), 11-14-89; Ord. No. 3270, § 1(9.04), 7-13-93; Ord. No. 3378, § 1(s.), 9-22-95)

Sec. 26-285. - Review procedures.

The site plan shall be submitted with the application for site plan approval to the director of public works, who shall institute an administrative review of the site plan by all affected city departments. The results of this review shall be compiled by the director of public works and shall be reported to the planning commission for their consideration. Upon receiving the site plan application, and associated documents, the planning commission shall review same at its next regularly scheduled meeting. Written notice of the time and place of review of the site plan by the commission shall be given to the applicant and the property owners within three hundred (300) feet of the site. Following its review of the site plan, the planning commission shall make a recommendation on the application either denying, approving, or approving with conditions. The site plan application, along with the planning commission's recommendation and reasoning, shall be forwarded to the board of aldermen. Written notice of the time and place of review by the board of aldermen shall be given to the applicant and the property owners within three hundred (300) feet of the site. The board of aldermen shall make the determination as to approval or disapproval, including imposition of conditions.

(Ord. No. 3140, § 1(9.05), 11-14-89; Ord. No. 3270, § 1(9.05), 7-13-93)

Sec. 26-286. - Scope of review.

The following factors shall be considered in review of the site development plan:

- (1)

The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, watercourses, floodplains, soils, air quality, scenic views and historic sites.

- (2) The provision of safe and efficient vehicular and pedestrian transportation both within the development, and the community.
- (3) The provision of sufficient open space to meet the needs of the proposed development.
- (4) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
- (5) The compatibility of the overall site design (location of buildings, parking lots, screening, general landscaping) and the land use within the existing area and projected future development of the area.
- (6) The existence and/or provision of adequate community facilities to serve the proposed development (i.e. water, sewerage, schools, streets, etc.)
- (7) Conformance of the site development plan with the comprehensive plan and any other applicable requirements of this article.

(Ord. No. 3140, § 1(9.06), 11-14-89; Ord. No. 3270, § 1(9.06), 7-13-93)

Sec. 26-286.1. - Modification of site design and yard and area requirements.

The planning commission may recommend and the board of aldermen may grant modifications to the site design and yard and area requirements as may be necessary or desirable to achieve the proposed development, provided that such modifications are consistent with the standards and criteria contained herein and, further, that such modifications do not result in a detrimental impact on the neighborhood.

(Ord. No. 3270, § 1(9.07), 7-13-93)

Sec. 26-287. - Approval of site plan.

Upon a finding that the proposed site plan development is consistent with the standards herein and will not:

- (1) Substantially increase traffic hazards or congestion;
- (2) Adversely affect the character of surrounding commercial uses or adjacent residential uses or of the neighborhood;
- (3) Substantially increase fire hazards or make difficult access by fire and emergency vehicles;
- (4) Adversely affect the general welfare of the community; and
- (5) Overtax public utilities,

The board of aldermen may approve the site plan. The applicant shall file with the director of public works two (2) copies thereof containing all revisions required as the result of the approval process.

(Ord. No. 3140, § 1(9.07), 11-14-89; Ord. No. 3270, § 1(9.08), 7-13-93)

Sec. 26-288. - Expiration of site plan approval.

The site plan approval shall expire and be of no effect one hundred eighty (180) days after the date of approval thereof, unless, within such time, a building permit for any proposed work authorized under the site plan approval has been issued. The site plan approval shall expire and be of no effect three hundred

sixty (360) days after the date of its issuance, if construction has not begun and been pursued diligently on the property.

(Ord. No. 3140, § 1(9.08), 11-14-89; Ord. No. 3270, § 1(9.09), 7-13-93)

Sec. 26-289. - Revision of site plan.

The site plan may be amended or revised with approval by the board of aldermen, provided that the director of public works may approve minor technical adjustments. If the board of aldermen deems that the proposed amendment is substantial, such amendment shall be made upon application and in accordance with the procedure provided herein for original application.

(Ord. No. 3140, § 1(9.09), 11-14-89; Ord. No. 3270, § 1(9.10), 7-13-93)

Sec. 26-290. - Violations.

The filing of a site plan shall constitute an agreement by the owner and applicant, their heirs, successors, and assigns that if the site plan is approved by the board of aldermen, and permits issued for the improvement of such property and all activities subsequent thereto shall be in conformance with the approved site plan for the property in question. The approved site plan shall have the full force and effect of the zoning ordinance. Any violations shall be grounds for the director of public works to issue stop-work orders, withhold further permits, and take all actions necessary for the enforcement of the approved site plan.

(Ord. No. 3140, § 1(9.10), 11-14-89; Ord. No. 3270, § 1(9.11), 7-13-93)

Secs. 26-291—26-300. - Reserved.

DIVISION 10. - SPECIAL PROCEDURES AND REGULATIONS

[Sec. 26-301. - Generally.]

In order to provide for uses that require particular consideration in each case because of the nature of the use and its effect on its surroundings or the city, the following procedures are established.

(Ord. No. 3140, § 1(Act. 10), 11-14-89)

Sec. 26-302. - Conditional use permit procedure.

- (a) *Purpose:* Conditional uses are those types of uses which are considered by the city to be essentially desirable, necessary, or convenient to the community, but which by their nature or in their operation have:
- (1) A tendency to generate excessive traffic,
 - (2) A potential for attracting a large number of persons to the area for the use, thus creating noise or other pollutants,
 - (3) A detrimental effect upon the value or potential development of other properties in the neighborhood, or
 - (4) An extraordinary potential for accidents or danger to public health or safety.
- (b) *Procedures:* A conditional use permit may be initiated by a verified application of one (1) or more of the owners of record or owners under contract of a lot or tract of land, or their authorized representatives, or by the planning commission or by the board of aldermen. Procedures for application, review, and approval of a conditional use permit shall be as follows:

- (1) *Application:* Application for a conditional use permit for a specific tract of land shall be addressed to the planning commission and shall be filed with the director of public works. The application shall be filed on forms prescribed for that purpose and be accompanied by the following:
 - a. Filing fee per requirements of the city.
 - b. Legal description of the property.
 - c. Outboundary plat of the property.
 - d. A site plan in conformance with the requirements of division 9.
- (2) *Burden of proof:* In presenting any application for a conditional use permit, the burden of proof shall rest with the applicant to clearly establish that the proposed conditional use shall meet the following criteria:
 - a. The proposed conditional use complies with all applicable provisions of these applicable district regulations.
 - b. The proposed conditional use at the specified location will contribute to and promote the welfare or convenience of the public.
 - c. The proposed conditional use will not cause substantial injury to the value of other property in the neighborhood in which it is to be located.
 - d. The location and size of the conditional use, the nature and intensity of the operation involved in or conducted in connection with it, and the location of the site with respect to streets giving access to it are such that the conditional use will not dominate the immediate neighborhood so as to prevent development and use of neighboring property in accordance with the applicable zoning district regulations. In determining whether the conditional use will so dominate the immediate neighborhood, consideration shall be given to:
 1. The location, nature and height of buildings, structures, walls, and fences on the site, and
 2. The nature and extent of proposed landscaping and screening on the site.
 - e. Off-street parking and loading areas will be provided in accordance with the standards set forth in these regulations.
 - f. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
 - g. The proposed uses where such developments and uses are deemed consistent with good planning practice; can be operated in a manner that is not detrimental to the permitted developments and uses in the district; can be developed and operated in a manner that is visually compatible with the permitted uses in the surrounding area; and are deemed essential or desirable to preserve and promote the public health, safety, and general welfare of the city.
- (3) *Review procedures:*
 - a. Upon receipt of a completed application, the director of public works shall institute an administrative review of the application and site plan by all affected city departments. The results of this review shall be reported to the planning commission for its consideration. The commission shall consider an application not later than the second regular monthly meeting of the commission after all required documents are filed. The commission shall recommend approval with specified conditions or denial of the application and shall file its report and recommendation with the board of aldermen.

- b. Before acting upon any application for a conditional use permit, the board of aldermen shall hold a hearing thereon, after at least fifteen (15) days public notice of such hearing is published in a newspaper of general circulation within the city and written notice is given to all property owners within the city limits whose property lies within three hundred (300) feet of that which has been requested for a conditional use permit. The board of aldermen may refer the application back to the commission for additional study before making its final decision. No additional public notice is required to be given.
 - c. Upon a finding that the proposed conditional use is consistent with the standards herein and will not:
 - 1. Substantially increase traffic hazards or congestion;
 - 2. Adversely affect the character of surrounding commercial uses or adjacent residential uses or of the neighborhood;
 - 3. Substantially increase fire hazards or make difficult access by fire and emergency vehicles;
 - 4. Adversely affect the general welfare of the community; and
 - 5. Overtax public utilities,the board of aldermen may approve the conditional use. The applicant shall file with the director of public works two (2) copies thereof containing all revisions required as the result of the approval process.
- (4) *When permit effective:* The permit shall become effective upon approval by the board of aldermen. In the event that a conditional use permit is filed in conjunction with a change of zoning, the permit shall not become effective until the date of enactment of the ordinance authorizing the zoning change. In the event that some additional approval is required by some other governmental authority or agency, the permit shall not become effective until that approval is received.
- (5) *Recording:* Prior to the issuance of any building permit, or permit authorizing the use of the property in question, the property owner shall record a copy of the approved conditional use permit, including all attached conditions. The approved site plan, legal description of the property, and out-boundary survey, along with any subsequent amendments shall be recorded with the county recorder of deeds.
- (6) *Time limit of conditional use permits:* Conditional use permits shall be valid for an unlimited period subject to the requirements of section 26-303, unless a lesser period shall be provided in a particular permit. Prior to the expiration of the time limit specified in a particular permit, the property owner may request that the conditional use permit be reviewed by the board of aldermen, which may extend it for an unlimited period or for a specified additional period of years.
- (7) *Failure to commence construction or operation:* Unless otherwise stated in the conditions of a particular conditional use permit, substantial work, construction, or operation of the conditional use where construction is not required, shall commence within six (6) months of the effective date of the permit unless such time period is extended through appeal to and approval by the board of aldermen. If no appeal is made, or no extension of time is received or granted, the permit shall immediately terminate upon expiration of the six-month period.

Revocation of conditional use permit: Upon a finding that an approved conditional use permit will or has become unsuitable and/or incompatible in its location as a result of any nuisance or activity generated by the use or basic changes within the general neighborhood, the board of aldermen shall have the authority to revoke the permit after affording the permitter the right to be heard.

- (9) *Transferability:* All conditional use permits shall be approved for the originating applicant for a specific location, and may not be transferred to any other location by that applicant, or be transferred to any other person prior to commencement of the use.
- (10) *Procedure to amend approved conditional use permit:* In order to amend an existing conditional use permit, the application procedures, required materials, and approval process shall be the same as for a new permit.
- (11) *Reapplication:* In the event that a conditional use permit is denied by the board of aldermen, a reapplication for the purpose of review of the same request on the same property, or part thereof, shall not be accepted by the city until six (6) months following the date of final action on the original application, unless it can be shown to the satisfaction of the planning and zoning commission that substantial new evidence, not available during review of the original application, will be presented.

(Ord. No. 3140, § 1(10.01), 11-14-89; Ord. No. 3271, § 1, 7-13-93; Ord. No. 3539, § 1, 11-10-98)

Sec. 26-303. - Motor vehicle oriented business regulations.

- (a) *[Where applicable.]* The provisions of this section shall apply only to developments along Watson Road.
- (b) *[Definition.]* A motor vehicle oriented business is any commercial use which, by design, type of operation, and nature of business, has as one of its functions, the provision of goods, merchandise or services to motorists or occupants of motor vehicles in a short time span for each, or the provision of goods, merchandise or services to the occupants of the motor vehicles while they remain in the vehicle. The list of businesses which constitute motor vehicle oriented businesses include convenience stores having a gross floor area of more than one thousand (1,000) square feet, gasoline service stations having convenience store facilities with a gross floor area of more than one thousand (1,000) square feet, drive-in banks, drive-in or drive-through restaurants, drive-in beverage sales, and car wash operations which are not accessory to an allowable use. This enumeration is not intended as an inclusive list of such businesses.
- (c) *[Where permitted.]* A motor vehicle oriented business may only be permitted as a conditional use in the C-1 commercial district or in the PD planned districts as indicated in appendix A of this article. When approved as a conditional use, the MVOB must comply with all applicable requirements of section 26-302 when approved in a PD planned district, the MVOB must comply with all applicable regulations of section 26-168.
- (d) *Locational requirements.* All motor vehicle oriented businesses must be a minimum of one hundred (100) feet away from any other motor vehicle oriented business located on the same side of Watson Road, except that this distance requirement may be waived by the planning, zoning and architectural review commission and approval by the board of aldermen. Unless waived, this distance shall be computed as follows.
 - (1) Such distance shall be measured between the two (2) closest property lines.
 - (2)

Where a motor vehicle oriented business is a part of a larger development, the one hundred (100) feet shall be measured from the limits of the out parcel (if so designated). If an out parcel is not designated, the distance shall be measured from the boundary of an area which would normally be required for the operation of said motor vehicle oriented business, as approved by the director of public works.

- (3) Where a business is located in a tenant space which is part of the principal structure(s) of a strip shopping center development, and would otherwise be considered a motor vehicle oriented business, the provisions of this section shall not apply so long as the proposed business shall not provide drive-through window or drive-in service to persons while in their vehicles.
- (e) *Site design standards.* The following site design standards shall be met for all motor vehicle oriented businesses:
 - (1) *Minimum lot area:* Twenty thousand (20,000) square feet.
 - (2) *Minimum lot frontage:* One hundred fifty (150) feet (on corners, the frontage requirements shall apply to only one (1) side).
 - (3) *Lot area per pump island for gasoline service stations:* Gasoline service stations constituting motor vehicle oriented businesses shall be limited to two (2) service islands and three (3) gasoline pumps per island for the minimum size lot. One (1) service bay and three (3) pumps may be added for each one thousand (1,000) square feet of site area exceeding the minimum; however, in no case shall more than six (6) service islands be allowed at any gasoline service station nor more than three (3) pumps permitted on each island and no more than three (3) service bays shall be allowed for each such station.
 - (4) *Setbacks:* From public streets and property lines shall be as follows:
 - a. *Front yard:* There shall be a front yard having a depth of not less than thirty (30) feet. Where a lot is located at the intersection of two (2) or more streets, the front yard requirements shall apply to each street, except that the buildable width of the lot shall not be reduced to less than thirty (30) feet in which latter event the board of aldermen may waive this requirement to the street which will least affect other property values. No accessory building, service islands, and other service or pick-up facilities shall project beyond the front building setback line.
 - b. *Side yard:* There shall be a side yard on each side of the building of not less than five (5) feet. Side yard requirements shall be fifty (50) feet where abutting any residential district.
 - c. *Rear yard:* There shall be a rear yard having a depth of not less than twenty-five (25) feet. Rear yard requirements shall be fifty (50) feet where abutting any residential district.
- (f) *Used oil storage.* All used oils and other similar materials and products shall be stored only in underground or inside areas.
- (g) *Vehicular areas.*
 - (1) The entire area used by vehicles for parking, storage, and service, etc., shall be paved with asphaltic concrete, concrete, or other material approved by the director of public works.
 - (2) A raised concrete curb shall be placed at the edge of all pavement.
 - (3) All hydraulic hoists, pits, lubrication, washing, repair, and service not of an emergency nature or unusual short-term minor work shall be conducted entirely within a building.
- (h) *Ingress and egress.*

The minimum width of driveways at the property line shall be twenty-four (24) feet, and the maximum shall be thirty-six (36) feet.

- (2) The minimum distance of any driveway to any side property line shall be twenty-four (24) feet. This distance shall be measured from the side property line to the intersection of the street right-of-way and the edge of the driveway.
- (3) Driveway openings shall be limited to one (1) drive per one hundred (100) feet of lot frontage. For parcels with frontage on more than one (1) street the number of driveway openings shall be based on the frontage length on each street individually.
- (4) The minimum distance [of] a driveway into the site from a street intersection shall be thirty (30) feet measured from the intersection of the street right-of-way to the nearest end of the curb radius of the proposed driveway.
- (5) The angle of driveway intersection with the street shall be based upon reasonable criteria for safe traffic movements and shall be approved by the director of public works.
- (6) Motor vehicle oriented businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- (i) *Screening.* All motor vehicle oriented businesses shall provide for screening and buffer areas in a manner which conforms with the regulations set forth in section 26-166 and division 7 of this article, relative thereto, and all other applicable ordinances of the city.
- (j) *Landscaping and open space.* The development of the site and building shall comply with all standards and requirements of division 11 of this article.
- (k) *Lighting.* The development of the site and building(s) shall comply with all standards and requirements of section 26-190.
- (l) *Parking.* All motor vehicle oriented businesses shall provide for offstreet parking in a manner which conforms with the regulations set forth in Division 7 of this article and all other applicable ordinances of the city.
- (m) *Signs.* All signs on the site shall conform with the applicable regulations.
- (n) *Storage of merchandise.* All merchandise and material for sale and all vending machines shall be displayed within an enclosed building except for the following: Oil for use in motor vehicles may be displayed or sold from an appropriate rack or compartment at the gasoline station pump islands for the convenience of the customer and station attendant.
- (o) *Storage of flammable materials.* Flammable materials used in the conduct of motor vehicle oriented businesses, when stored above ground, shall be stored within the building setback lines. All storage of flammable materials shall be subject to the approval of the city fire marshal.
- (p) *Other conditions.* The planning commission may recommend, and the board of aldermen may require, provisions for other conditions which will tend to eliminate or reduce public nuisances caused by noise, heat, odors, smoke, dust, vibration, glare, flooding, and traffic congestion and promote the purpose of this article.
- (q) *Building and structures compatibility.* All proposed motor vehicle oriented businesses' buildings and structures shall be designed and planned to take advantage of and be compatible with natural features of the site and area, and shall not be in conflict with the character of existing structures in areas where a definite pattern or style has been established.

Vacant motor vehicle oriented businesses' buildings. When a motor vehicle oriented businesses' building becomes vacant for a period exceeding one (1) year, the property owner shall be required to remove or treat in a safe manner approved by the director of public works all flammable materials, storage tanks or storage areas.

(s) *Termination or lapse of conditional use permit.*

- (1) When a motor vehicle oriented businesses' conditional use permit is authorized by the board of aldermen, the continuation of such use shall be dependent upon the conditions established under the permit and this section; and in the event of a change of conditions or noncompliance with conditions, the board of aldermen shall have the authority to revoke the special use permit after affording the permittee the right to be heard.
- (2) When a motor vehicle oriented businesses' building becomes vacant and its special use permit not utilized for a period of one (1) year, the permit shall lapse.

(t) *Nonconforming motor vehicle oriented businesses.* Existing motor vehicle oriented businesses which do not comply with the regulations and conditions of this article shall be considered to be nonconforming and allowed to continue; however, all nonconforming motor vehicle oriented businesses shall comply with the following requirements within one (1) year after written notification by the director of public works of items which must be corrected.

- (1) Whenever a motor vehicle oriented business is located adjacent to a residential district or residential use on the ground floor, appropriate screening, as provided for in subsection (j) of this section, shall be installed.
- (2) All exterior lighting shall conform to the lighting requirements in subsection (k) of this section.
- (3) All trash storage areas shall provide suitable storage of trash with areas which are so designed and constructed as to allow no view of the trash storage from the street, to prevent waste from blowing around the site or onto adjacent properties or public rights-of-way, and to permit safe, easy removal of trash by truck or hand.
- (4) All storage of merchandise for sale, including vending machines, shall be made to conform with the requirements of subsection (n) of this section.

(u) *Rental vehicles.* When the rental of equipment, automobiles, trucks, and trailers, is to be conducted on a motor vehicle oriented business site, additional land area and paved area shall be provided in addition to the driveway, parking area, and landscape areas required by this section for a normal motor vehicle oriented business operation. An additional one thousand (1,000) square feet of site area shall be provided for each five (5) rental units. No parking of rental units shall be permitted on landscaped areas or driveways.

(v) *Underground utilities.* All utility lines on the site shall be installed underground.

(Ord. No. 3140, § 1(10.02), 11-14-89; Ord. No. 3183, § 2, 3-12-91; Ord. No. 3349, § 2, 5-9-95; Ord. No. 3378, § 1(t.), 9-22-95; Ord. No. 3865, § 1, 10-12-04)

Secs. 26-304, 26-305. - Reserved.

DIVISION 11. - LANDSCAPE AND STREETSCAPE STANDARDS^[5]

Footnotes:

— (5) —

Editor's note—Ordinance No. 3375, § 1, adopted September 12, 1995, added a new Div. 11, §§ 26-321—26-332.

Inasmuch as such sections already existed in the Code, such new provisions were codified as §§ 26-306—26-317 at the

.. . . .

Sec. 26-306. - Scope.

This division contains the performance standards and regulations pertaining to the landscape elements of residential, commercial, and industrial properties; requirements for the provision of trees along public rights-of-way; maintenance requirements for trees and other landscape components adjacent to public rights-of-way; and administration and enforcement of these regulations.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-307. - Purpose.

The purpose of this division is to establish minimum standards for the provision, installation, maintenance, and removal of landscape plantings in order to achieve a healthy, visually pleasing, and safe community by the following means:

- (1) *Preservation of vegetation.* Preserve existing natural vegetation and the incorporation of native plants, plant communities, and ecosystems into landscape design, where possible.
- (2) *Aesthetics.* Improve the appearance of all areas through the incorporation of open space into development in ways that harmonize and enhance the natural and built environment.
- (3) *Land values.* Maintain and increase the value of land by requiring landscape improvements to be incorporated into development, thus becoming by itself a valuable capital asset.
- (4) *Human values.* Provide direct and important physical and psychological benefits to human beings through the use of landscape materials to reduce noise and glare, to provide visual diversity and seasonal interest, and visually soften the harsher aspects of urban development.
- (5) *Improved design.* Promote innovative and cost-conscious approaches to the design, installation, and maintenance of landscaping, encouraging water and energy conservation.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-308. - Definitions.

The following definitions shall apply in interpretation and enforcement of this division unless otherwise specifically stated:

Buffer, perimeter landscape: A continuous area of land set aside along the perimeter of a lot in which plant materials may be used to provide a transition between, and to reduce the environmental, aesthetic, and other impacts of, one (1) type of land use upon another.

Caliper: The thickness (diameter) of a tree trunk.

Canopy tree: A self-supporting woody plant or species normally growing in the St. Louis metropolitan area to a mature height of not less than twenty (20) feet and a mature spread of not less than fifteen (15) feet.

Cultivar: An assemblage of cultivated plants which is clearly distinguished by any characters (morphological, physiological, cytological or chemical) and which, when reproduced (sexually or asexually), retains its distinguishing characteristics.

Cultivated landscape area: Planted areas that receive routine maintenance, such as mowing, irrigating, pruning, fertilizing, and similar routine maintenance, so as to ensure healthy plants and a well-kept appearance.

Drip line: A vertical line extending from the outermost branch tips of a tree to the finished grade below.

Ground cover: Plants, other than turf grass, normally reaching an average maximum height of not more than twenty-four (24) inches at maturity.

Hedge: A landscape barrier consisting of a continuous, dense planting of woody vegetation which may be either composed of trees or shrubs.

Incompatibility of land uses: A conflict situation arising from the proximity or direct association of contradictory, incongruous, or discordant land uses or activities, including the impacts of noise, vibration, smoke, odors, toxic matter, radiation, and similar environmental conditions.

Irrigation system: A permanent, artificial watering system installed below grade designed to transport and distribute controlled amounts of water to plants.

Landscape amenities: Any combination of nonliving landscape material, such as rocks, pebbles, sand, mulch, walls, fences or decorative paving materials.

Landscape plantings: Any combination of living plants, such as grass, ground cover, shrubs, vines, hedges, or trees.

Mulch: Nonliving organic and synthetic materials customarily used in landscaping designed to retain moisture, stabilize soil temperatures, control weed growth, and retard erosion.

Plant community: A natural association of plants that are dominated by one (1) or more prominent species, or a characteristic physical attribute.

Shrub: A self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten (10) feet in height at its maturity.

Site-specific planting: The selection of plant materials which are particularly well-suited to withstand macro and micro climate conditions that are specific to that location.

Species: A unit or group of individual plants which bear a close resemblance to one another, — so much that this particular group will not be mistaken for another group combined with it in the same genus.

Substantial change in land use:

- (1) A change in land use that increases the intensity of land use; or
- (2) A change in land use that creates an incompatibility or increases the incompatibility between such change in land use and adjacent land use(s);

An increase in excess of twenty-five (25) percent in the gross floor area of nonresidential buildings; or

(4) An increase in the number of dwelling units.

Topping: The severe cutting back of limbs to stubs larger than three (3) inches in diameter with the tree's crown to such degree so as to distort the normal canopy shape, thus disfiguring the tree.

Understory plant material: Assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Understory tree: Any self-supporting woody perennial plant which normally attains an overall height of at least fifteen (15) feet at maturity, usually with one (1) main stem or trunk and many branches. It may appear to have several stems or trunks in several species.

Variety: A term used in the botanical sense to constitute a group or class of plants subordinate to a species (e.g., subspecies).

Viable: When referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the director of public works or his/her designated representative, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-309. - Applicability.

Except as otherwise specifically provided for herein, this division shall apply to any existing development seeking to amend a conditional use permit, new development (including redevelopment), any proposed landscaping change in excess of twenty (20) percent of the landscaped area of a site, maintenance and/or replacement of existing trees and landscaping on individual lots in the city; and to the installation, maintenance, and/or replacement of trees in public rights-of-way or private streets within all zoning districts.

(Ord. No. 3375, § 1, 9-12-95; Ord. No. 3524, § 1, 7-14-98)

Sec. 26-310. - Conflicts.

If the provisions of this division conflict with other sections of this division or other ordinances or regulations, the more stringent limitation or requirement shall govern or prevail to the extent of the conflict.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-311. - Landscape design standards.

The following standards shall be considered the minimum requirements for the installation of all plant materials on lots or within public rights-of-way in all zoning districts:

(1) *Size; digging.*

- a. *Size specifications.* Unless otherwise stated in this division, all size specifications for plant materials shall be based upon the time of planting. When minimum caliper is specified for tree plantings, the caliper of the tree trunk shall be taken at six (6) inches above the ground

level, up to and including four-inch caliper size, and twelve (12) inches above ground for larger sizes.

- b. *Digging in street rights-of-way or easements.* It shall be the responsibility of the person planning to install plant materials, within a street right-of-way or a utility easement, to notify any utility company or public agency having any underground utilities within such right-of-way or easement. This notification shall take place prior to any digging and all work shall be in accordance with any rules and regulations as provided for by local or state law or by regulations of the utility companies or public agency.

(2) *Minimum tree and shrub planting or preservation requirements.*

- a. *Interference.* Trees shall not be placed where they interfere with site drainage or where they shall require frequent pruning in order to avoid interference with overhead utility lines.
- b. *Acceptable tree species, cultivars, or varieties.* Trees planted on existing developed sites, in conjunction with new developments and within public rights-of-way within all zoning districts, shall be of the species, cultivars, or varieties listed in tables 1 through 4, on file with the city, except as otherwise provided herein. The species, cultivar, and/or variety which are listed in table 4 are not acceptable for planting within the public rights-of-way due to susceptibility to salt damage, potential for impeding sight-distance visibility, susceptibility to disease, potential for growth into street pavement areas, and other potentially undesirable effects of such plantings. The director of public works shall have the right, from time to time, to modify, delete or add to the species, cultivars or varieties listed in such tables.
- c. *Undesirable tree species, cultivars, or varieties.* In order to protect the city's existing trees from disease, to ensure that the species and varieties of trees which are planted will grow and be healthy, will be resistant to storms, and do not present other undesirable effects, the trees listed on file with the city, shall not be planted on existing development sites, in conjunction with new developments or within public rights-of-way in any zoning district, except upon the approval of the planning and zoning commission. The planning and zoning commission may allow for such exceptions where it is demonstrated that such plantings will not be a detriment to adjoining streets, other nearby property or the trees thereon.
- d. Reserved.
- e. *Landscape materials.*
 - 1. *Tree planting.* Immediately upon planting, all trees shall conform to the American Standard for Nursery Stock, published by the American Association of Nurserymen, Inc., as revised from time to time, and have the following characteristics:
 - (i) In all residential zoning districts, all medium to large canopy trees shall be a minimum of ten (10) feet in height and shall have a minimum caliper of two (2) inches. In all C-1 and M-1 districts, all medium to large canopy trees shall be a minimum of twelve (12) feet in height and shall have a minimum caliper of three (3) inches.
 - (ii) All small understory trees shall be at least five (5) feet in height, except where they are fulfilling the requirement as a landscape buffer, in which case they shall be a minimum of eight (8) feet in height and shall have a minimum caliper of two (2) inches.
 - 2. *Tree species mix.* When more than ten (10) trees are to be planted to meet the

- f. *Landscape plantings within or near street rights-of-way.* In any zoning district where trees are to be planted within or near a street right-of-way, the following standards shall apply:
1. *Sight-distance triangle on private property.* On a corner lot, development shall conform to the requirements of a sight-distance triangle in which nothing shall be erected, placed, planted, or allowed to grow between a height of two (2) feet and ten (10) feet above the grades at the back of the curb (or edge of pavement where no curb exists) of the intersecting streets, within the triangular area formed by the right-of-way lines and a line connecting them at points forty (40) feet from their point of intersection, or at equivalent points on private streets, except that the sight-distance triangle may be increased, when deemed necessary for traffic safety, by the director of public works.
 2. *Sight-distance clearance within right-of-way.* No tree or other landscape plantings exceeding two (2) feet in height at maturity shall be planted in public rights-of-way closer than forty (40) feet of any street corner, measured from the point of intersecting curbs or edge of pavement. The point of intersection is where the projection of a straight line along such curb or edge of pavement of each street intersects with each other.
 3. *Plantings near fire hydrants.* Except for grass or mulch, no landscape plantings shall be located within ten (10) feet of a fire hydrant.
 4. *Minimum distance between street and sidewalk.* In no event shall a tree be planted where the clear space between the curb and a sidewalk is less than four (4) feet, except where authorized by the director of public works or his/her designated representative. Where there is space between the curb, or edge of pavement, and sidewalk of not less than four (4) feet, street trees may be planted. Such street trees shall be placed midway between the curb, or edge of pavement, and sidewalk wherever practical.
 5. *Street trees between street and sidewalk-medium canopy.* Where the planting area between the curb or edge of the roadway pavement and the edge of a sidewalk is limited to a width of between four (4) and five (5) feet, only medium canopy trees shall be planted, except as provided for in subsection 8. below.
 6. *Street trees between street and sidewalk-large or medium canopy.* Where the planting area between the curb or edge of the roadway pavement and the edge of the sidewalk is greater than five (5) feet, medium and/or large canopy trees shall be planted, except as provided for in subsection 8. below.
 7. *Street trees where no sidewalk exists.* On parcels of land where no sidewalk exists, the required canopy trees shall be planted in an area not more than four (4) feet nor less than three (3) feet from the back of the curb or the edge of street pavement.
 8. *Interference with overhead utility wires.* In instances where canopy trees of either medium or large size are likely to cause interference with overhead utility wires (as determined by the director of public works or his/her designated representative), understory trees may be acceptable for planting.
 9. *Tree plantings prohibited near public right-of-way.* No tree of any type shall be planted on private or public property within five (5) feet of the right-of-way of any public street.
- g. *Required landscaping along side lot lines.* Except as otherwise provided for in these regulations, landscape plantings of at least five (5) feet in width shall be required along each side lot line. The same shall apply to rear lot lines of corner lots, between the street and the established

building setback line. Such restrictions shall not apply where there is an existing driveway within such five (5) feet on a residential lot, which is being replaced.

(3) *Plant material installation.* The following standards shall apply to all landscape installation projects subject to regulation by this division:

- a. *Soil conditions.* Soil utilized for the growing medium of plant materials shall be friable, well-drained, local soil, capable of sustaining plant life. Areas which have been compacted by construction activities shall be thoroughly cultivated to the full depth of the compaction. Soil utilized for planting within these areas may be existing soil, provided it is friable, well-drained, free of construction debris including, but not limited to, scrap wood, trash, chemical/oil spills, excess paving materials, crushed rock, sand, natural site stones greater than one (1) inch, mortar, and all other nonsoil materials.
- b. *Mulch.* Organic mulches shall be used to reduce the growth of weeds, add nutrients to the soil, and retain moisture over the root zones of plant materials. When appropriate, a minimum of three (3) inches of organic mulch shall be placed beneath all newly installed tree, shrub, and ground cover planting areas. At no time shall rock of any size or variety be placed around any existing or newly planted tree located in a public right-of-way.
- c. *Topsoil.* The top four (4) inches of the lawn bed for all areas to be seeded or sodded shall be topsoil.

(4) *Additional requirements in C-1 and M-1 districts.*

- a. *Requirements for areas adjacent to streets.*
 1. A landscaped strip of at least ten (10) feet in width shall be provided and maintained within the required thirty-foot front yard and shall separate the off-street parking and drive areas from any public or private street.
 2. All landscaping within a C-1 or M-1 zoning district shall conform with an approved landscape plan as detailed in section 26-316.
- b. *Requirements for off-street parking areas.*
 1. For any parking area containing more than five (5) spaces, a minimum of twenty (20) square feet of interior landscaped area shall be provided within the parking lot for each parking space. Landscape areas shall be uniformly distributed in one (1) or more areas so as to break up the apparent expanse of the paved parking areas. In order to qualify as interior landscaped area, such area shall be located wholly within or projecting inward from the perimeter of the parking area the landscaped strip, as required under subsection a.1 above, shall not qualify as interior landscaped area. This requirement may be waived by the planning and zoning commission if the commission determines that there is not sufficient parking space available.
 2. There shall be a minimum of one (1) planting island, within and up to every one hundred (100) linear feet of parking for each parking row. This requirement may be waived by the planning and zoning commission if the commission determines that there is not sufficient parking space to meet such a requirement. Such islands shall be spaced evenly wherever possible and the ends of parking rows abutting a circulation aisle shall be defined by a planting island wherever feasible. These planting island areas shall be protected from vehicular encroachment by nonmountable, reinforced concrete curbing of a type specified by the director of public works. The use of unreinforced extruded

3. Planting islands shall generally not be less than ninety (90) square feet in area and eight (8) feet wide, as measured from back of curb to back of curb.
 4. In instances where vehicle parking occurs perpendicular or parallel to parking islands, no landscape plantings, other than low profit ground cover (grass, ivy, creeping juniper, wood mulch, or similar materials), shall be installed within forty-two (42) inches of the back of the curb.
 5. No landscape hedge, bushes, shrubs, or other low-growing plant material, wall or berm shall exceed three (3) feet in height within ninety (90) feet of any driveway opening.
- c. *Required screening of mechanical equipment, trash, and loading areas.*
1. *Ground-mounted equipment and loading areas.* All mechanical equipment, trash receptacles, storage of materials and equipment shall be within a fully enclosed building or in a side or rear yard so screened by berms, dense vegetative plantings, wooden fences, or brick walls, or combinations of these materials at least eight (8) feet in height so that such materials and equipment are not visible at six (6) feet above the grade of the adjacent street(s) and adjoining property lines.
 2. *Roof-mounted equipment.* Roof-mounted equipment shall be screened by an integral element of the architectural design of the building or a separate, permanently installed screen which harmonizes with the building in terms of material, color, and architectural styling. Screening shall be of a height that is not less than the height of the roof-mounted equipment.
 3. *Trash containers.* Outside rubbish, garbage, and dumpster containers if visible from normal public traffic ways or residential areas shall be permanently screened from view, from all four (4) sides, one side to include a workable gate or door, with masonry walls. The walls shall have a minimum height of six (6) feet and a maximum height of eight (8) feet. Screening, other than masonry, may be permitted upon recommendation by the planning, zoning and architectural review commission and approval by the board of aldermen. All masonry screening required by this section shall be comprised of a color and composition similar to that of the main structure of the premises.
- d. *Buffer requirements.* Where any parcel abuts any residential district or development, a fifty-foot perimeter landscape buffer and a solid masonry fence six (6) feet in height shall be provided and maintained along all rear and side property lines where it abuts the residential district or development. The buffer area shall contain evergreen plant material with a minimum height of eight (8) feet, planted in such a manner to achieve an effective spacing of six-foot on center. The height of such fence and evergreen plant material may be reduced if used in conjunction with a berm whose height in combination with the fence will achieve the standard specified herein. The berm shall not exceed a slope of thirty (30) degrees and shall be completely covered with shrubs, grass, or other living ground cover, in addition to the evergreen plant material specified herein.
- e. *Sodding requirements.* All soil on the site which is not to be covered by buildings, parking and loading areas, and driveways, and which is not subject to other landscape treatment in accord with an approved site plan, shall be graded in accord with such site plan and covered with sod.
- f.

Irrigation. Landscaped areas shall be provided with adequate irrigation for the maintenance of grass, shrubs, ground cover and other plant materials by utilizing a sprinkler system, hose bibs, and/or such other method of providing water.

(5) *Additional requirements in R-1 through R-5 districts.*

- a. *Street trees between street and sidewalk.* For each existing residential lot which is built after September 22, 1995, at least one (1) canopy tree for each forty (40) feet of frontage on a public or private street shall be installed in the area between the sidewalk and the street edge or curb and shall be installed in accordance with the standards provided for in this division.
- b. *Nonconforming situations.* In circumstances where existing parcels meeting the standard prescribed in subsection a. above become nonconforming as a result of the loss of a canopy tree due to storm damage, disease, or other means, the nonconforming condition shall be corrected as soon as weather and planting conditions permit. Any tree which replaces an existing tree shall be selected and installed in accordance with the standards provided for in this division. The parties responsible for correcting the nonconforming condition shall be as follows:
 1. In such instances where public right-of-way is involved, the city shall be responsible for correcting the nonconforming condition, except in instances where the property owner has caused or condoned the damage; or
 2. In such instances where private right-of-way is involved, the property owner shall be responsible for correcting the nonconforming condition.

(Ord. No. 3375, § 1, 9-12-95; Ord. No. 3524, § 1, 7-14-98; Ord. No. 3869, § 1, 10-26-04; Ord. No. 3940, § 1, 10-25-05)

Sec. 26-312. - Maintenance standards for trees and cultivated landscape areas.

The following standards shall apply to the maintenance of cultivated landscape areas, as defined in this division, and in public rights-of-way in all zoning districts, unless otherwise specifically stated:

- (1) *Maintenance responsibility.* The owner of land shall be responsible for the maintenance of all landscape plantings located on his/her land and within the right-of-way to which the land abuts, except for trees planted by the city within a public right-of-way. Trees planted by the city and located within public rights-of-way shall be maintained by the city. All required landscape plantings shall be maintained in a healthy and neat condition.
- (2) *Vertical clearance requirements.* In order to assure the safe and unimpeded progress of emergency and street maintenance vehicles, all trees, plants and shrubs that are within or adjacent to and overhanging any street, highway, road or thoroughfare shall be maintained to have the following vertical clearances (when fully leafed):
 - a. A minimum height of fourteen (14) feet above the center line of the street, highway, road or thoroughfare; and
 - b. A minimum height of twelve (12) feet above the curb, or edge of pavement (when no curbing is present), of the street, highway, road or thoroughfare.
- (3) *Removal or pruning of landscape plantings representing hazards or obstructions.*
 - a.

Diseased or damaged trees. Any dead or diseased tree, on private property or within public rights-of-way, which constitutes a hazard to life or property; is diseased or infested with destructive insects or fungi; or is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements shall be removed.

- b. *Obstructions.* It shall be the responsibility of the property owner to remove any trees, shrubs, or parts thereof, which are planted on their property and which overhang or interfere with traffic control devices, street lighting, public sidewalks, rights-of-way, or property owned by the city.
- c. *Removal or pruning order.* The director of public works, or the director's designated representative, shall have the authority to order the pruning or removal of any tree or part thereof on private property or within a public right-of-way, which is in violation of the regulations and standards contained in this division.

- (4) *Stump removal.* The stumps of all removed trees shall be ground out to at least three (3) inches below the ground level, the chips removed, the soil cavity filled with soil, and the area leveled. If the area where the tree is removed is to be paved, the top of the stump shall be ground out to at least six (6) inches below the ground level.
- (5) *Required replacement of trees.* Any existing trees or vegetation that satisfy the requirements of this division which are removed shall be replaced with plantings which are of acceptable type and species and in locations which comply with the provisions of this division and any previously approved site and landscape plan. Such replacement shall take place within six (6) months of notification from the director of public works, or the director's designated representative. Where such replacement involves properties within a C-1 or M-1 district, a landscape plan shall not be required if the replacement plantings match a previously approved landscape plan. If replacement will significantly vary from an approved landscape plan, a new plan may be required.
- (6) *Pruning.* All pruning should be accomplished according to standard horticultural practices. Trees may be periodically pruned or thinned in order to reduce the leaf mass and thus increase visibility to the site and/or minimize damage from storms. Trees severely damaged by storms or other causes, or trees under utility wires or other obstructions where standard horticultural pruning practices are impractical, may be exempted from this prohibition at the determination of the director of public works, or the director's designated representative.
- (7) *Mowing.* Grass shall be limited to a height below the height designated as a public nuisance in the City Municipal Code.

(Ord. No. 3375, § 1, 9-12-95; Ord. No. 3524, § 1, 7-14-98; Ord. No. 3940, § 1, 10-25-05)

Sec. 26-313. - Procedures upon order to prune or remove.

In conjunction with the provisions of section 26-312 hereof, the following procedures shall apply:

- (1) *Written order.* When the director of public works, or the director's designated representative, finds it necessary to order the pruning or removal of trees or plants upon private property, as provided for herein, then he/she shall serve a written order upon the property owner to correct the condition creating danger, hazard, or obstruction. The order required herein shall be served by at least one (1) of the following methods:
 - a. By personal delivery of the order to the property owner of record;

By mailing a copy of the order to the address of the owner of the property based on the most recent address on file in the office of the county assessor;

- c. If the property owner cannot be located for service by the means specified in subsections a. and b. above, then a copy of the order shall be posted on the property.
- (2) *Time limit for compliance.* The order required herein shall set forth a time limit for complying with such order, which shall not be earlier than seven (7) days from the date of the order, except as provided for herein. Upon discovery of hazardous conditions which present extreme danger to persons or property, the director of public works, or the director's designated representative, shall have the authority to require forthwith compliance immediately upon service of the order.
- (3) *Failure to comply with order.* When a property owner to whom an order is directed fails to comply within the specified period of time, the director of public works, or the director's designated representative, shall remedy the condition or contract with others for such purpose and charge the cost thereof to the person or party.
- (4) *Immediate action by city.* When, in the opinion of the director of public works or the director's designated representative, there is an actual and imminent danger from a damaged or diseased tree which would endanger life, or when any tree, or any part thereof, has fallen and life is endangered, the director of public works or the director's designated representative is authorized and empowered to take whatever action as may be necessary to render the tree or part thereof temporarily safe, whether or not the notice procedure as previously described in this section has been instituted.
- (5) *Special assessment.* The costs incurred in the performance of any procedure required as a result of conditions as outlined in subsections (3) and (4) above shall be billed to the owner of the real property where such work is performed. If such bill is not paid within thirty (30) days after forwarding a statement therefor by the director of public works, or the director's authorized representative, the costs shall be levied against the property, upon which such work was performed, as a special assessment. The levying of the assessment herein shall not affect the liability of the persons or parties where such work was performed. Such special assessment shall be certified by the director of public works to the city clerk and shall thereupon become and be a lien upon the property and shall be included in the next tax bill rendered to the owner thereof unless paid before, and shall be collected in the same manner as other taxes against the property.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-314. - Interference.

It shall be unlawful to delay, or in any manner interfere with, the director of public works, or the director's designated representative, in planting, pruning, spraying or removing any tree, shrub, vine, or other plant in any public street, boulevard, alley, park, or other public place, or in the removal of any stone, cement or other material from about the trunk thereof; to interfere with or delay the director of public works, or the director's designated representative, in the removal of dangerous or diseased trees on private property as provided for herein in section 26-312; or to interfere with the director of public works, or the director's designated representative, in the discharge of duties provided for in this division.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-315 - Replacement of landscaping within public rights-of-way

If, as the result of the violation of any provision of this division, the injury, mutilation, or death of a tree, shrub, or other plant located within a public right-of-way is caused, the cost of repair or replacement of such tree, shrub, or other plant shall be borne by the person or persons in violation. The replacement value of trees and shrubs shall be determined in accordance with the latest revision of "A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs, and Evergreens," as published by the International Society of Arboriculture and as revised from time to time.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-316. - Landscape plan required.

In conjunction with the requirements of other provisions of this division and the zoning code with respect to site plan review and prior to the issuance of any building permit, a landscape plan shall be submitted to, reviewed by, and approved by the planning and zoning commission. A landscape plan for each lot or parcel involved in the proposed development shall be prepared by a landscape architect. The landscape plan shall comply with the following requirements and contain the following elements:

- (1) Be drawn to scale, including dimensions and distances;
- (2) Delineate the existing and proposed parking spaces, or other vehicular areas, access aisles, driveways and similar features;
- (3) Designate by name and location the plant material to be installed or preserved in accordance with the requirements of this division;
- (4) Identify and describe the location and characteristics of all other landscape materials to be used;
- (5) Show all landscape features, including areas of vegetation to be preserved, in context with the location and outline of existing and proposed buildings and other improvements on the site, if any;
- (6) Include a tabulation clearly displaying the relevant statistical information necessary for the planning and zoning commission to evaluate compliance with the provisions of this division. This includes gross acreage, area of preservation areas, number of trees to be planted or preserved, square footage of paved areas, and such other information as the planning and zoning commission may require;
- (7) An irrigation plan indicating the location of sprinklers or water outlets; and
- (8) Contain such other information that may be required by the planning and zoning commission that is reasonable and necessary to determine that the landscape plan meets the requirements of this division.

(Ord. No. 3375, § 1, 9-12-95)

Sec. 26-317. - Administration and enforcement.

The administration and enforcement of these provisions shall be carried out in accordance with the provisions of these regulations, except as otherwise provided for below:

- (1) *Enforcement.*
 - a. The provisions of this division which apply to properties and public and private street rights-of-way located within the C-1 and M-1 districts shall be enforced by the director of public works.

The provisions of this division which apply to properties and public and private street rights-of-way located within the R-1 through R-5 zoning districts shall be enforced by the director of public works.

- (2) *Violations and penalties.* Any person who violates any provision of this division or who fails to comply with any notice issues pursuant to the provisions of this division, upon being found guilty of violation, shall be subject to a fine not to exceed five hundred dollars (\$500.00) for each separate offense. Each day during which any violation of the provisions of this division shall occur or continue shall be a separate offense.

(Ord. No. 3375, § 1, 9-12-95; Ord. No. 3940, § 1, 10-25-05)

Secs. 26-318—26-320. - Reserved.

DIVISION 12. - ADMINISTRATION AND ENFORCEMENT

Sec. 26-321. - Scope of provisions.

This section contains the regulations pertaining to administration and enforcement of the provisions of this article, issuance of permits and certifications, inspection of property, and issuance of stop-work, stop-use orders, and enforcement of violations of the provisions of this article.

(Ord. No. 3140, § 1(11.01), 11-14-89)

Sec. 26-322. - [Duties of director of public works.]

This article shall be administered and enforced by the director of public works, who shall have the following duties with respect to this article. The director of public works:

- (1) Shall enforce the provision of this article. In addition, the director of public works shall enforce all regulations and conditions governing development of any and all projects permitted by this article either of right, or following approval by the planning commission, board of aldermen, or board of adjustment.
- (2) May designate one (1) or more additional members of the department, as well as members of other city departments who have a particular skill or competence, to act for the director of public works, and the term "director of public works" as used elsewhere in this article shall be deemed to include such deputies.
- (3) May determine the actual location of a boundary line between zoning districts, where such line does not coincide with a property line or district boundary line. Such determination shall be subject to appeal before the board of zoning adjustment in accordance with division 13.
- (4) Shall approve building, occupancy, or other appropriate permits.
- (5) May cause the cessation of any erection, construction, reconstruction, alteration, conversion, maintenance or use in violation of this article by issuing a stop-work or stop-use order.
- (6) May refer any violation of this article to the city attorney for prosecution or other appropriate action when deemed necessary.
- (7) May adopt such administrative policies as he deems necessary to the carrying out of his enforcement responsibilities.

(Ord. No. 3140, § 1(11.02), 11-14-89)

Sec. 26-323. - Permits, order and certifications

- (a) *Building permits.* It shall be unlawful to commence or to proceed with the erection, construction, reconstruction, conversion, alteration, enlargement, extension, razing, or moving of any building or structure or any portion thereof without first having applied in writing to the director of public works for a building permit to do so and a building permit has been granted thereof. Primary responsibility for securing the necessary permits shall be the property owner's. If the property owner should contract part or all of the proposed work, it shall be the responsibility of both the owner and contractor to ensure that all required permits and approvals have been secured prior to any work being initiated.

Blank forms shall be provided by the director of public works for the use of those applying for permits as provided in this article. Any permits issued by the director of public works shall be on standard forms for such purpose. There shall be a separate permit for each building or structure to be constructed, altered, or erected except for accessory buildings which may be included in the permit for the principal building when construction is simultaneous.

Any building permit under which no construction work has been commenced within six (6) months after the date of issuance of the permit or under which proposed construction has not been completed within two (2) years of the time of issuance shall expire by limitation.

- (b) *Voiding of building permit.* A permit may be revoked by the director of public works at any time prior to the completion of the building or structure for which the same was issued, when it shall appear to him that there is departure from the plans, specifications, or conditions as required under terms of the permit, that the same was procured by false representation, or that any provisions of this article are being violated. Written notice of such revocation shall be served upon the owner, his agent, or contractor, or upon any person employed on the building or structure for which such permit was issued, via a stop-work order, which shall be posted in a prominent location, and thereafter no such construction shall proceed.
- (c) *Occupancy permits:* No building or structure or part thereof, other than a single-family residence shall hereafter be constructed or altered until issuance of a proper permit. No new use, extension or alteration of an existing use, or conversion from one use to another, shall be allowed in any building, structure or land or part thereof until issuance of a proper permit; except that no permit shall be required for the raising of agricultural crops, orchards or forestry. No occupancy permit shall be issued for any use or change in use unless such use or change in use is in conformity with the provisions of this article.
- (d) *Floodplain certification:* Applications for flood plain certification shall be upon the form designated by the director of public works, and shall include the locator number of the parcel of land for which certification is sought.
- (e) *Compliance with permits and certificates:* Permits or certificates issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this article and punishable as provided by section 26-326 herein.

(Ord. No. 3140, § 1(11.03), 11-14-89)

Sec. 26-324. - Entry and inspection of land and buildings.

- (a) The planning commission or its representatives, and the personnel of the department of public works are hereby empowered in the performance of their functions, to enter upon any land in Crestwood for the purpose of making inspection, examinations, and surveys, or to place and maintain thereon monuments, markers, notices, signs, or placards effecting the provisions of this article. The above-authorized person or persons shall be required to present proper credentials upon demand when entering upon any land or structure for the purpose of this article.
- (b) The director of public works is authorized to inspect or cause to be inspected any building or other structure or any land on which work is in progress.

(Ord. No. 3140, § 1(11.04), 11-14-89)

Sec. 26-325. - Fees, charges, and expenses.

The board of aldermen shall establish a schedule of fees, charges, and expenses, and a collection procedure for building permits, certificates, appeals, and other matters pertaining to this article. The schedule of fees shall be posted in the office of the director of public works and may be altered or amended only by the board of aldermen. No permit, certificate, conditional use, approval, or variance shall be issued unless or until such costs, charges, fees or expenses listed in this article have been paid in full, nor shall any action be taken on proceedings before the board of aldermen, unless or until fees have been paid in full.

(Ord. No. 3140, § 1(11.05), 11-14-89)

Sec. 26-326. - Violations and penalties.

- (a) In case any building or structure is erected, constructed, reconstructed, altered, converted or maintained, or any building, structure or land is used in violation of this article or other regulation made under authority conferred hereby, the proper local authorities of the municipality, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance or use, to restrain, correct, or abate such violation, to prevent the occupancy of the building, structure, or land, or to prevent any illegal act, conduct, business, or use in or about such premises. Such regulations shall be enforced by the director of public works, who is empowered to cause any building, structure, place, or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provision of the regulations made under authority of this article.
- (b) The owner or general agent of a building or premises where a violation of any provision of the regulations has been committed or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, takes part or assists in any such violation or who maintains any building or premises in which any such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful on conviction thereof, the punishment shall be a fine of not less than one hundred dollars (\$100.00) or more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue or by both such fine and imprisonment in the discretion of the court.
- (c)

Any such person who, having been served with an order to remove any such violation, shall fail to comply with the order within ten (10) days after such service or shall continue to violate any provision of the regulations made under authority of this article in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00).

In addition to the penalties hereinabove authorized and established, the city attorney shall take such other actions at law or in equity as may be required to halt, terminate, remove, or otherwise eliminate any violations of this article.

(Ord. No. 3140, § 1(11.06), 11-14-89)

State Law reference— Penalties, RSMo 89.120.

Sec. 26-327. - Illegal sewer connections.

The director of public works may, prior to the issuance of any occupancy permit for a newly erected, reconstructed or structurally altered building, cause tests to be made in conjunction with the Metropolitan Sewer District to determine if any illegal connections have been made between the surface water or stormwater drainage system and the sanitary drainage system. If any such illegal connection shall be found the director of public works shall not issue the occupancy permit until he is satisfied that the illegal connection is removed. The director of public works shall, immediately on finding of an illegal connection as stated above, by written notice give the offending party or parties thirty (30) days to correct the condition. If the condition shall not be corrected within the thirty (30) days, the director of public works shall refer the matter to the city attorney for appropriate action.

(Ord. No. 3140, § 1(11.07), 11-14-89)

Secs. 26-328—26-340. - Reserved.

DIVISION 13. - AMENDMENTS^[6]

Footnotes:

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State Law reference— Changes in regulations, RSMo 89.060.

Sec. 26-341. - Requirements.

The board of aldermen shall have the authority to amend, supplement, change, modify, or repeal, by ordinance, the text or map of this article in accordance with the provisions of this division.

- (a) *Text amendments:* An application for amendment to the written text of this article may be filed by any person in the office of the city clerk for consideration by the planning commission and the board of aldermen.
- (b) *Rezoning:* An application for a change in the zoning district designation as described by the official zoning map may be filed in the office of the city clerk, for consideration by the planning commission and the board of aldermen. Such application may be filed by the mayor, any member of the board of aldermen, the planning commission, or the director of public works, by any other appointed or elected official of the city, or by any person with financial, contractual, or proprietary interest in the property to be included in the proposed change of zoning.

(Ord. No. 3140, § 1(12.01), 11-14-89)

Sec. 26-342. - Application and submission requirements.

The application shall be made on a form provided by the city clerk. The application shall be signed by the applicant and shall state name and address, as well as:

- (a) *Text amendments*: An application for an amendment to the text of this article shall set forth the new text to be added and existing text to be deleted.
- (b) *Rezoning*: An application for a zoning map change shall include:
 - (1) A legal description of the property.
 - (2) A scaled map of the property, correlated with the legal description, and clearly showing the property's location.
 - (3) The name and address and phone number of the petitioner.
 - (4) The petitioner's interest in the property, and if the petitioner is not the owner, the name and address and phone number of the owner(s).
 - (5) Date of filing with city clerk.
 - (6) Signature(s) of petitioner(s) and owner(s) certifying the accuracy of the required information.
 - (7) The present and proposed zoning.

An application for either a text amendment or rezoning shall comply with and be in accordance with the format and procedures governing the same as adopted by the planning commission. In all cases where an application is initiated by a private party, the application shall be accompanied by the fee established by the board of aldermen and on file in the offices of the city clerk.

(Ord. No. 3140, § 1(12.02), 11-14-89)

Sec. 26-343. - Procedures for consideration.

- (a) Each application shall be presented to the commission for its report and recommendations. The commission shall consider an application not later than the second regular monthly meeting of the commission after all required documents are filed. The commission shall give written notice to all property owners within the city limits whose property lies within three hundred (300) feet of that which has been requested for rezoning. The commission shall recommend approval, conditional approval or denial of the application and shall file its report and recommendation with the board of aldermen.
- (b) Before acting upon any application for amendment, the board of aldermen shall hold a hearing thereon, after at least fifteen (15) days' public notice of such hearing is published in a newspaper of general circulation within the city and written notice is given to all property owners within the city limits whose property lies within three hundred (300) feet of that which has been requested for rezoning. The board of aldermen may refer the application back to the commission for additional study before making its final decision. No additional public notice is required to be given.

(Ord. No. 3140, § 1(12.03), 11-14-89)

Sec. 26-344. - Approval of request.

- (a) All text amendments and amendments to the zoning map, as described herein, shall require a simple majority vote by the board of aldermen.
- (b) In case a protest against such revision or amendment is presented, duly signed, notarized, and acknowledged by the owners of more than thirty (30) percent or more of the areas of the land (exclusive of streets and alleys) included in such proposed change. or within an area determined by

lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such revision or amendment shall not become effective except by the favorable vote of two-thirds of all of the members of the board of aldermen.

- (c) The planning commission may recommend that a petition for a change of zoning district classification be approved or denied for all or part of the property described in the petition. The board of aldermen may enact, by ordinance, such a partial granting of a petition for a change in zoning district classification.
- (d) The planning commission may recommend and the board of aldermen may enact, by ordinance, a zoning district classification other than that requested in the petition, provided that the recommendation or ordinance is for a district classification of the same use type as that requested by the petitioner. District classification of the same type as referred to in this section shall include the "PD" planned district when a petitioner proposes a particular use and presents plans at or prior to the public hearing which are substantially similar to those required by the "PD" rezoning procedures respectively.

(Ord. No. 3140, § 1(12.04), 11-14-89)

Sec. 26-345. - Withdrawal.

Any amendment request, regardless of its source of initiation, may be withdrawn upon receipt by the director of public works of written notice by the applicant from consideration at any point in the approval process, prior to final action on the request by the board of aldermen.

(Ord. No. 3140, § 1(12.05), 11-14-89)

Sec. 26-346. - Reapplication.

In the event that any application to amend the zoning map is denied by the board of aldermen, a reapplication for the purposes of further review of the same application shall not be accepted by the city until six (6) months following the date of final action on the original application has elapsed, unless it can be shown to the satisfaction of the planning commission that substantial new evidence not available during review of the original application will be presented.

(Ord. No. 3140, § 1(12.06), 11-14-89)

Sec. 26-347. - Zoning designations of newly annexed territory.

A newly annexed area will retain the county zoning district regulations of its county zoning until the city rezoning process is completed.

(Ord. No. 3140, § 1(12.07), 11-14-89)

Secs. 26-348—26-360. - Reserved.

DIVISION 14. - BOARD OF ZONING ADJUSTMENT^[7]

Footnotes:

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Cross reference— *Administration, Ch. 2.*

State Law reference— *Board of adjustment, RSMo 89.080 et seq.; governmental bodies and records, RSMo Ch. 610.*

A board of adjustment is hereby established in accordance with Chapter 89 of the Missouri Statutes regarding the zoning of cities.

(Ord. No. 3140, § 1(13.01), 11-14-89)

Sec. 26-362. - Membership.

The board of adjustment shall consist of five (5) members, who shall be residents of the city and appointed by the mayor with the advice and approval of the board of aldermen. The membership of the first board of adjustment appointed shall serve, respectively, one (1) for one (1) year, one (1) for two (2) years, one (1) for three (3) years, one (1) for four (4) years, and one (1) for five (5) years. Thereafter members shall be appointed terms for five (5) years each. Three (3) alternate members may be appointed to serve in the absence or the disqualification of the regular members. All members and alternates shall be removable for cause by the appointing authority upon written charges and after public hearing. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant. The board of adjustment shall elect its own chairman who shall serve for one (1) year.

(Ord. No. 3140, § 1(13.02), 11-14-89)

Sec. 26-363. - Meeting and voting.

The board of adjustment shall adopt rules in accordance with the provisions of this article. Meetings of the board of adjustment shall be held at the call of the chairman and at such other times as the board of adjustment may determine. Such chairman, or, in his absence, the vice chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board of adjustment shall be open to the public. The board of adjustment shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the board of adjustment (being the same as the office of the city clerk), and shall be public record. All testimony, objections thereto, and rulings thereon shall be taken down by a reporter employed by the board of adjustment for that purpose.

(Ord. No. 3140, § 1(13.03), 11-14-89)

Sec. 26-364. - Powers and duties.

The board of adjustment shall have the following powers and duties:

- (a) *Appeals*: To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the director of public works in the enforcement of these regulations.
 - (1) Appeals to the board of adjustment may be taken by the person aggrieved, or by an officer, department, or bureau of the government affected by any decision of the director of public works. Such appeal shall be filed with the director of public works within a reasonable time, as shall be prescribed. The director of public works shall forthwith transmit to the secretary of the board of adjustment all papers constituting the record upon which the action appealed from is taken.
 - (2) An appeal stays all proceedings in furtherance of the action appealed from, unless the director of public works certifies to the board of adjustment, after the notice of appeal shall have been filed with him that by reason of facts stated in the certificate a stay would in his

opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board of adjustment, or by a court of record on application or notice to the director of public works on good cause shown.

- (b) *Variances:* To authorize in specific cases a variance from the specific terms of these regulations which will not be contrary to the public interest and where, owing to special conditions, a literal enforcement of the provisions of these regulations will, in an individual case, result in practical difficulties or unnecessary hardship, provided the spirit of these regulations shall be observed, public safety and welfare secured, and substantial justice done.
- (1) The applicant must show that this property was acquired in good faith and where by reason of exceptional narrowness, shallowness or shape of this specific piece of property at the time of the effective date of the district zoning regulations, or where by reason or exceptional circumstances that the strict application of the terms of the zoning regulations actually prohibit the practical use of his property in the manner similar to that of other property in the zoning district where it is located.
 - (2) A request for a variance may be granted, upon a finding of the board of adjustment that all of the following conditions have been met. The board of adjustment shall make a determination on each condition, and the finding shall be entered in the record.
 - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - b. That literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this article.
 - c. That the special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other land, structures, or buildings in the same district.
 - e. In granting a variance, the board of adjustment may impose such conditions, safeguards and restrictions upon the premises benefited by the variance as may be necessary to reduce or minimize any potentially injurious effect of such variance upon other property in the neighborhood, and to carry out the general purpose and intent of these regulations.
- (c) *Other matters:* To hear and decide all matters referred to it or upon which it is required to pass under this article.

(Ord. No. 3140, § 1(13.04), 11-14-89)

State Law reference— Variances, RSMo 89.080.

Sec. 26-365. - Review considerations.

In determining whether the evidence presented supports all of the conclusions required by subsection 26-364(b)(2), the board of adjustment shall consider the extent to which the evidence demonstrates that:

- (a) The particular physical surroundings, shape or topographical conditions of the property involved would result in a severe practical difficulty or extreme hardship upon or for the owner, lessee, or occupant, if the provisions of this article were literally enforced;
- (b) The request for a variation is not based exclusively upon the desire of the owner, lessee, occupant or applicant to secure a greater financial return from the property;
- (c) The granting of the variation will not be materially detrimental or injurious to other property or improvements in the neighborhood in which the property is located; and
- (d) The proposed variation will not impair an adequate supply of light to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values within the neighborhood.

(Ord. No. 3140, § 1(13.05), 11-14-89)

Sec. 26-366. - Application for board of adjustment review.

- (a) *Procedure*: The procedure for requesting a hearing before the board of adjustment shall be as follows:
 - (1) All applications to the board of adjustment shall be in writing on forms provided by the board of adjustment and filed with the city clerk.
 - (2) The board of adjustment shall fix a reasonable time for the hearing of an application and notice of the time, place and subject to each hearing shall be published in the newspaper of general circulation of the area (as designated by the board of aldermen) at least fifteen (15) days prior to the date fixed for the public hearing. The secretary shall submit a list of those persons receiving the notice to the board of adjustment at the public hearing.
 - (3) An application shall be accompanied by a filing fee in an amount established by the board of aldermen. A separate filing fee shall be required for each request.
- (b) *Additional requirements*: In addition to the above requirements, certain applications require additional information as follows:
 - (1) *Appeals*:
 - a. An application for an appeal shall be filed within sixty (60) days after a ruling has been made by the appropriate administrative officer or board.
 - b. A copy of the order, requirement, decision or determination of the appropriate administrative officer or board which the applicant believes to be in error shall be submitted.
 - c. A clear and accurate, written description of the proposed use, work or action to which the appeal is involved and a statement justifying the applicant's position.
 - d. Where necessary, a plot plan, drawn to scale, in duplicate showing existing conditions and proposed plans for the area in question shall be submitted.
 - (2) *Variances*:
 - a. The applicant shall submit a statement, in writing, justifying the variance requested; indicating specifically the enforcement provisions of the zoning regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet each of the four (4) conditions as set out in subsection 26-364(b)(2) of this article.
 - b. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information

which would be helpful to the board of adjustment in consideration of the application shall be included.

- (c) *Reapplication to board of adjustment:* In the event that an appeal is denied by the board of adjustment, reapplication for the purpose of review of the same appeal on the same property, or part thereof, shall not be accepted by the city until six (6) months following the date of final action on the original appeal, unless it can be shown to the satisfaction of the director of public works that substantial new evidence, not available during review of the original appeal, will be presented.

(Ord. No. 3140, § 1(13.06), 11-14-89; Ord. No. 3539, § 2, 11-10-98)

Sec. 26-367. - Period of validity.

Unless as otherwise specified by the board of adjustment in their approval for an application, no variance granted by the board of adjustment shall be valid for a period longer than ninety (90) days from the date upon which the variance is granted, unless within such period:

- (A) A building permit is obtained and the construction, or alteration of the structure is commenced and pursued diligently toward completion; or
- (B) A certificate of occupancy is obtained and a use or occupancy commenced. The board of adjustment may grant extensions not exceeding one hundred eighty (180) days each, upon written application, without notice or hearing.

(Ord. No. 3140, § 1(13.07), 11-14-89)

Sec. 26-368. - Approvals, required vote.

A concurring vote of four (4) members of the board of adjustment shall be necessary to reverse any order, requirement, decision, or determination of any such administrative official, or to decide in favor of the applicant on any matter upon which it is required to pass under this article, or to effect any variation in the article.

(Ord. No. 3140, § 1(13.08), 11-14-89)

Sec. 26-369. - Appeal of board of adjustment decision.

Any person or persons, jointly or severally aggrieved by any decision of the board of adjustment, or any officer, department or board of the municipality may, within thirty (30) days of the issuance of the decision of the board, present to the circuit court of the county a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality in accordance with appropriate state statute.

(Ord. No. 3140, § 1(13.09), 11-14-89)

Secs. 26-370—26-380. - Reserved.

DIVISION 15. - PLANNING, ZONING AND ARCHITECTURAL REVIEW COMMISSION^[8]

Footnotes:

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Cross reference— *Administration, Ch. 2.*

State Law reference— *Zoning commission, RSMo 89.070.*

There shall be a planning, zoning and architectural review commission, to consist of eight (8) members, one (1) of whom shall be a member of the board of aldermen, to be appointed by the mayor but shall have no power to vote or hold office on the commission; three (3) of whom shall be citizens-at-large; and the following who shall be members of their recognized professions, if such individuals are available and willing to serve: one (1) of whom shall be a reputable architect, one (1) whom shall be a city planner, one (1) of whom shall be a landscape architect or be a knowledgeable representative of the construction industry; and one (1) of whom shall be a member of the Missouri Bar or have a working knowledge of law; all eight (8) shall be citizens of the city and shall be appointed by the mayor, with advice and approval by the board of aldermen, qualified by knowledge and experience to act on questions pertaining to planning, zoning and architectural review. The terms of all members shall be four (4) years provided that the mayor, with the advice and consent of the board of aldermen, shall designate the terms of the present members of the commission, excluding the aldermanic appointee, so that one (1) member shall have a term of one (1) year, two (2) members shall have a term of two (2) years, two (2) members shall have a term of three (3) years, and two (2) members shall have a term of four (4) years. Each member of the commission shall serve until his/her successor is appointed and qualified.

(Ord. No. 3140, § 1(14.01), 11-14-89)

Sec. 26-382. - Officers.

A member of the planning, zoning and architectural review commission shall be designated by, and appointed by, the mayor, with the advice and approval of the board of aldermen, as chairman, to serve until his successor is appointed and qualified. The planning commission may designate a secretary.

(Ord. No. 3140, § 1(14.01A), 11-14-89)

Sec. 26-383. - Reports.

The planning commission shall make monthly reports to the mayor and board of aldermen covering their investigations, hearings, transactions and recommendations and such other reports and recommendations relative thereto as it may deem proper.

(Ord. No. 3140, § 1(14.01B), 11-14-89)

Sec. 26-384. - Personnel.

The board of aldermen may provide for the employment of a planner, engineer, clerk and other persons to assist the planning commission in carrying out its duties. Such personnel shall be provided in accordance with applicable ordinances.

(Ord. No. 3140, § 1(14.01C), 11-14-89)

Sec. 26-385. - Operational procedures.

The planning commission may adopt rules of procedure as it deems necessary.

(Ord. No. 3140, § 1(14.01D), 11-14-89)

Sec. 26-386. - Functions.

(a) *Planning*: The planning commission may prepare, from time to time, a plan or plans for land use and/or a zoning system covering the whole or any part of the city.

(b)

Zoning: The planning commission shall consider all applications for site plan review, conditional use permits and proposals to amend or change the zoning ordinance, in accordance with the procedures set forth in divisions 9, 10 and 13, respectively, and as otherwise provided herein, and shall report to the board, in writing, its recommendations thereon, stating the reasons therefor.

(Ord. No. 3140, § 1(14.01E), 11-14-89)

Secs. 26-387—26-400. - Reserved.

DIVISION 16. - LISTING OF PERMITTED AND CONDITIONAL USES

Sec. 26-401. - Zoning Matrix.

	Land Use Category	R-1 — R-5	C-1	M-1	PD-R	PD- MXD	PD-C	PD- M
1111	Oilseed and Grain Farming							
1112	Vegetable and Melon Farming	C			C			
1113	Fruit and Tree Nut Farming	C			C			
1114	Greenhouse, Nursery, and Floriculture Production	C	C	C	C	C	C	C
1119	Other Crop Farming							
1121	Cattle Ranching and Farming							
1122	Hog and Pig Farming							
1123	Poultry and Egg Production							
1124	Sheep and Goat Farming							
1125	Animal Aquaculture							
1129	Other Animal Production		C	C		C	C	C
1131	Timber Tract Operations		C	C			C	C
1132	Forest Nurseries and Gathering of Forest Products	C	C	C	C	C	C	C

1133	Logging		C	C		C	C	C
1141	Fishing		C	C		C	C	C
1142	Hunting and Trapping		C	C		C	C	C
1151	Support Activities for Crop Production			C				C
1152	Support Activities for Animal Production		C	C		C	C	C
1153	Support Activities for Forestry		C	C		C	C	C
2111	Oil and Gas Extraction			C				C
2121	Coal Mining							
2122	Metal Ore Mining							
2123	Nonmetallic Mineral Mining and Quarrying			C				C
2131	Support Activities for Mining			C				C
2211	Electric Power Generation, Transmission and Distribution		C	C		C	C	C
2212	Natural Gas Distribution		C	C		C	C	C
2213	Water, Sewage and Other Systems	C	C	C	C	C	C	C
2361	Residential Building Construction		C	C		C	C	C
2362	Nonresidential Building Construction		C	C		C	C	C
2371	Utility System Construction			C				C
2372	Land Subdivision			C				C

2373	Highway, Street, and Bridge Construction			C				C
2379	Other Heavy and Civil Engineering Construction			C				C
2381	Foundation, Structure, and Building Exterior Contractors		C	P		C	C	P
2382	Building Equipment Contractors		C	P		C	C	P
2383	Building Finishing Contractors		C	P		C	C	P
2389	Other Specialty Trade Contractors		C	P		C	C	P
3111	Animal Food Manufacturing			C				C
3112	Grain and Oilseed Milling			C				C
3113	Sugar and Confectionery Product Manufacturing		C	P		C	C	P
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing			C				C
3115	Dairy Product Manufacturing			C				C
3116	Animal Slaughtering and Processing			C				C
3117	Seafood Product Preparation and Packaging			C				C
3118	Bakeries and Tortilla Manufacturing		C	C		C	C	C
3119	Other Food Manufacturing		C	C		C	C	C

3121	Beverage Manufacturing		C	P		C	C	P
3122	Tobacco Manufacturing			P				P
3131	Fiber, Yarn, and Thread Mills		C	P		C	C	P
3132	Fabric Mills		C	P		C	C	P
3133	Textile and Fabric Finishing and Fabric Coating Mills			P				P
3141	Textile Furnishings Mills		C	P		C	C	P
3149	Other Textile Product Mills			P				P
3151	Apparel Knitting Mills		C	P		C	C	P
3152	Cut and Sew Apparel Manufacturing			P				P
3159	Apparel Accessories and Other Apparel Manufacturing			P				P
3161	Leather and Hide Tanning and Finishing			C				C
3162	Footwear Manufacturing			P				P
3169	Other Leather and Allied Product Manufacturing			P				P
3211	Sawmills and Wood Preservation			C				C
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing			C				C
3219	Other Wood Product Manufacturing			C				C
3221	Pulp, Paper, and			P				P

3222	Converted Paper Product Manufacturing			P				P
3231	Printing and Related Support Activities		P	P		P	P	P
3241	Petroleum and Coal Products Manufacturing			C				C
3251	Basic Chemical Manufacturing			C				C
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing			C				C
3253	Pesticide, Fertilizer, and Other Agriculture Chemical Manufacturing		C	C		C	C	C
3254	Pharmaceutical and Medicine Manufacturing			C				C
3255	Paint, Coating, and Adhesive Manufacturing			C				C
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing			C				C
3259	Other Chemical Product and Preparation Manufacturing			C				C
3261	Plastics Product Manufacturing			C				C
3262	Rubber Product Manufacturing			C				C
3271	Clay Product and Refractory Manufacturing		C	C		C	C	C

3272	Glass and Glass Product Manufacturing		C	C		C	C	C
3273	Cement and Concrete Product Manufacturing			C				C
3274	Lime and Gypsum Product Manufacturing			C				C
3279	Other Nonmetallic Mineral Product Manufacturing			C				C
3311	Iron and Steel Mills and Ferroalloy Manufacturing			C				C
3312	Steel Product Manufacturing from Purchased Steel			C				C
3313	Alumina and Aluminum Production and Processing			C				C
3314	Nonferrous Metal (except Aluminum) Production and Processing			C				C
3315	Foundries			C				C
3321	Forging and Stamping			C				C
3322	Cutlery and Hand tool Manufacturing			P				P
3323	Architectural and Structural Metals Manufacturing			C				C
3324	Boiler, Tank, and Shipping Container Manufacturing			C				C
3325	Hardware Manufacturing			C				C
3326	Spring and Wire Product Manufacturing			C				C

	Product; and Screw, Nut, and Bolt Manufacturing							
3328	Coating, Engraving, Heat Treating, and Allied Activities			C				C
3329	Other Fabricated Metal Product Manufacturing		C	C		C	C	C
3331	Agriculture, Construction, and Mining Machinery Manufacturing			C				C
3332	Industrial Machinery Manufacturing			P				P
3333	Commercial and Service Industry Machinery Manufacturing			P				P
3334	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing			P				P
3335	Metalworking Machinery Manufacturing			C				C
3336	Engine, Turbine, and Power Transmission Equipment Manufacturing			C				C
3339	Other General Purpose Machinery Manufacturing			C				C
3341	Computer and Peripheral Equipment Manufacturing			P				P
3342	Communications Equipment Manufacturing			P				P
3343	Audio and Video			P				P

	Equipment Manufacturing							
3344	Semiconductor and Other Electronic Component Manufacturing			P				P
3345	Navigational, Measuring, Electro medical, and Control Instruments Manufacturing		C	P		C	C	P
3346	Manufacturing and Reproducing Magnetic and Optical Media			P				P
3351	Electric Lighting Equipment Manufacturing			P				P
3352	Household Appliance Manufacturing			P				P
3353	Electrical Equipment Manufacturing			P				P
3359	Other Electrical Equipment and Component Manufacturing			P				P
3361	Motor Vehicle Manufacturing			C				C
3362	Motor Vehicle Body and Trailer Manufacturing			C				C
3363	Motor Vehicle Parts Manufacturing			C				C
3364	Aerospace Product and Parts Manufacturing			C				C
3365	Railroad Rolling Stock Manufacturing			C				C
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3369	Other Transportation Equipment Manufacturing			P				P
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing			P				P
3372	Office Furniture (including Fixtures) Manufacturing			P				P
3379	Other Furniture Related Product Manufacturing			P				P
3391	Medical Equipment and Supplies Manufacturing		C	P		C	C	P
3399	Other Miscellaneous Manufacturing		C	P		C	C	P
4231	Motor Vehicles and Motor Vehicle Parts and Supplies Merchant Wholesalers			P				P
4232	Furniture and Home Furnishing Merchant Wholesalers		C	P		C	C	P
4233	Lumber and Other Construction Materials Merchant Wholesalers		C	C		C	C	C
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers			P				P
4235	Metal and Mineral (except petroleum) Merchant Wholesalers			C				C
4236	Electrical and Electronic Goods Merchant		C	P		C	C	P

	Wholesalers							
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers		C	P		C	C	P
4238	Machinery, Equipment, and Supplies Merchant Wholesalers		C	P		C	C	P
4239	Miscellaneous Durable Goods Merchant Wholesalers		C	P		C	C	P
4241	Paper and Paper Product Merchant Wholesalers		C	P		C	C	P
4242	Drugs and Druggists' Sundries Merchant Wholesalers		C	P		C	C	P
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers			P				P
4244	Grocery and Related Product Merchant Wholesalers		C	P		C	C	P
4245	Farm Product Raw Material Merchant Wholesalers			P				P
4246	Chemical and Allied Products Merchant Wholesalers			C				C
4247	Petroleum and Petroleum Products Merchant Wholesalers			C				C
4248	Beer, Wine, and Distilled Alcoholic Beverage		C	P		C	C	P

4249	Miscellaneous Nondurable Goods Merchant Wholesalers		C	P		C	C	P
4251	Wholesale Electronic Markets and Agents and Brokers		P	P		P	P	P
4411	Automobile Dealers		C	C		C	C	C
4412	Other Motor Vehicle Dealers		C	C		C	C	C
4413	Automotive Parts, Accessories and Tire Stores		P	C		C	P	C
4421	Furniture Stores		P	C		P	P	C
4422	Home Furnishings Stores		P	C		P	P	C
4431	Electronics and Appliance Stores		P	C		P	P	C
4441	Building Material and Supplies Dealers		P	P		P	P	P
4442	Lawn and Garden Equipment and Supplies Stores		P	P		P	P	P
4451	Grocery Stores		P			P	P	
4452	Specialty Food Stores		P	C		C	P	C
4453	Beer, Wine and Liquor Stores		P			P	P	
4461	Health and Personal Care Stores		P			P	P	
4471	Gasoline Stations		C			C	C	
4481	Clothing Stores		P	C		P	P	C

4482	Shoe Stores		P			P	P	
4483	Jewelry, Luggage, and Leather Goods Stores		P			P	P	
4511	Sporting Goods, Hobby, and Musical Instrument Stores		P	C		P	P	C
4512	Book, Periodical, and Music Stores		P			P	P	
4521	Department Stores		P			P	P	
4529	Other General Merchandise Stores		P			P	P	
4531	Florists		P			P	P	
4532	Office Supplies, Stationery, and Gift Stores		P			P	P	
4533	Used Merchandise Stores		C	C		C	C	C
4539	Other Miscellaneous Store Retailers		P	C		P	P	C
4541	Electronic Shopping and Mail-Order Houses		P	P		P	P	P
4542	Vending Machine Operators		C	P		C	C	P
4543	Direct Selling Establishments		C	C		C	C	C
4811	Scheduled Air Transportation							
4812	Nonscheduled Air Transportation							
4821	Rail Transportation							

	Great Lakes Water Transportation							
4832	Inland Water Transportation							
4841	General Freight Trucking			C				C
4842	Specialized Freight Trucking			C				C
4851	Urban Transit Systems		C	C		C	C	C
4852	Interurban and Rural Bus Transportation		C	C		C	C	C
4853	Taxi and Limousine Service		C	C		C	C	C
4854	School and Employee Bus Transportation		C	C		C	C	C
4855	Charter Bus Industry		C	C		C	C	C
4859	Other Transit and Ground Passenger Transportation		C	C		C	C	C
4861	Pipeline Transportation of Crude Oil			C		C		C
4862	Pipeline Transportation of Natural Gas			C		C		C
4869	Other Pipeline Transportation			C		C		C
4871	Scenic and Sightseeing Transportation, Land		C	C		C	C	C
4872	Scenic and Sightseeing Transportation, Water		C	C		C	C	C
4879	Scenic and Sightseeing Transportation, Other		C	C		C	C	C
4881	Support Activities for Air		C	C		C	C	C

4882	Support Activities for Rail Transportation		C	C		C	C	C
4883	Support Activities for Water Transportation		C	C		C	C	C
4884	Support Activities for Road Transportation		C	C		C	C	C
4885	Freight Transportation Arrangement		C	C		C	C	C
4889	Other Support Activities for Transportation		C	C		C	C	C
4911	Postal Service		P	P		P	P	P
4921	Couriers		P	P		P	P	P
4922	Local Messengers		P	P		P	P	P
4931	Warehousing and Storage		C	P		C	C	P
5111	Newspaper, Periodical, Book and Directory Publishers		C	P		C	C	P
5112	Software Publishers		P	P		P	P	P
5121	Motion Picture and Video Industries		P	P		P	P	P
5122	Sound Recording Industries		P	P		P	P	P
5151	Radio and Television Broadcasting		C	C		C	C	C
5152	Cable and Other Subscription Programming		P	P		P	P	P
5161	Internet Publishing and Broadcasting		P	P		P	P	P

5171	Wired Telecommunications		P	P		P	P	P
5172	Wireless Telecommunications Carriers (except Satellite)		P	P		P	P	P
5173	Telecommunications Resellers		P	P		P	P	P
5174	Satellite Telecommunications		P	P		P	P	P
5175	Cable and Other Program Distribution		P	P		P	P	P
5179	Other Telecommunications		P	P		P	P	P
5181	Internet Service Providers and Web Search Portals		P	P		P	P	P
5182	Data Processing, Hosting, and Related Services		P	P		P	P	P
5191	Other Information Services	C	P	P	C	P	P	P
5211	Monetary Authorities—Central Bank		P	P		P	P	P
5221	Depository Credit Intermediation (excludes cash checking and pay day loan institutions)		P			P	P	
5222	Nondepository Credit Intermediation		P	P		P	P	P
5223	Activities Related to Credit Intermediation		P			P	P	
5231	Securities and Commodity Contracts Intermediation and Brokerage		P	P		P	P	P
5232	Securities and Commodity		P	P		P	P	P

	Exchanges							
5239	Other Financial Investment Activities		P	P		P	P	P
5241	Insurance Carriers		P	P		P	P	P
5242	Agencies, Brokerages, and Other Insurance Related Activities		P	P		P	P	P
5251	Insurance and Employee Benefit Funds		P	P		P	P	P
5259	Other Investment Pools and Funds		P	P		P	P	P
5311	Lessors of Real Estate		P	P		P	P	P
53119	Mobile Home Parks							
5312	Office of Real Estate Agents and Brokers		P	P		P	P	P
5313	Activities Related to Real Estate		P	P		P	P	P
5321	Automotive Equipment Rental and Leasing		C	C		C	C	C
5322	Consumer Goods Rental		P	P		P	P	P
5323	General Rental Centers		C	P		C	C	P
5324	Commercial and Industrial Machinery and Equipment Rental and Leasing		C	P		C	C	P
5331	Lessors and Nonfinancial Intangible Assets (except Copyrighted Works)		P	P		P	P	P
5411	Legal Services		P	P		P	P	P

5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services		P	P		P	P	P
5413	Architectural, Engineering, and Related Services		P	P		P	P	P
5414	Specialized Design Services		P	P		P	P	P
5415	Computer Systems Design and Related Services		P	P		P	P	P
5416	Management, Scientific, and Technical Consulting Services		P	P		P	P	P
5417	Scientific Research and Development Services		P	P		P	P	P
5418	Advertising and Related Services		P	P		P	P	P
5419	Other Professional, Scientific, and Technical Services		C	C		C	C	C
5511	Management of Companies and Enterprises		P	P		P	P	P
5611	Office Administrative Services		P	P		P	P	P
5612	Facilities Support Services		P	P		P	P	P
5613	Employment Services		P	P		P	P	P
5614	Business Support Services		P	P		P	P	P
5615	Travel Arrangement and Reservation Services		P	P		P	P	P
5616	Investigation and Security Services		P	P		P	P	P

	Dwellings							
5619	Other Support Services		P	P		P	P	P
5621	Waste Collection			C				C
5622	Waste Treatment and Disposal			C				C
5629	Remediation and Other Waste Management Services			C				C
6111	Elementary and Secondary Schools	C	C	C	C	C	C	C
6112	Junior Colleges	C	C	C	C	C	C	C
6113	Colleges, Universities, and Professional Schools	C	C	C	C	C	C	C
6114	Business Schools and Computer and Management Training		C	C		C	C	C
6115	Technical and Trade Schools		C	C		C	C	C
6116	Other Schools and Instruction		C	C		C	C	C
6117	Education Support Services		P	P		P	P	P
6211	Offices of Physicians		P	P		P	P	P
6212	Offices of Dentists		P	P		P	P	P
6213	Offices of Other Health Practitioners		P	P		P	P	P
6214	Outpatient Care Centers		C	C		C	C	C
6215	Medical and Diagnostic Laboratories		P	P		P	P	P

6216	Home Health Care Services		P	P		P	P	P
6219	Other Ambulatory Health Care Services		C	C		C	C	C
6221	General Medical and Surgical Hospitals		C	C		C	C	C
6222	Psychiatric and Substance Abuse Hospitals		C	C		C	C	C
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals		C	C		C	C	C
6231	Nursing Care Facilities	C	P		C	C	P	
6232	Residential Mental Retardation, Mental Health and Substance Abuse Facilities	C	C	C	C	C	C	C
6233	Community Care Facilities for the Elderly	C	P		C	C	P	
6239	Other Residential Care Facilities	C	C	C	C	C	C	C
6241	Individual and Family Services		P	C		C	P	C
6242	Community Food and Housing, and Emergency and Other Relief Services		P	C		C	P	C
6243	Vocational Rehabilitation Services		P	C		C	P	C
6244	Child Day Care Services	C	P	C	C	C	P	C
7111	Performing Arts Companies		P			P	P	
7112	Spectator Sports	C	C	C	C	C	C	C

	Arts, Sports, and Similar Events							
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures		P	P		P	P	P
7115	Independent Artists, Writers, and Performers		P	P		P	P	P
7121	Museums, Historical Sites, and Similar Institutions	C	C	C	C	C	C	C
7131	Amusement Parks and Arcades		C	C		C	C	C
7132	Gambling Industries		C	C		C	C	C
7139	Other Amusement and Recreation Industries	C	C	C	C	C	C	C
7211	Traveler Accommodation		C	C		C	C	C
7212	RV (Recreational Vehicle) Parks and Recreational Camps		C	C		C	C	C
7213	Rooming and Boarding Houses	C	C	C	C	C	C	C
7221	Full-Service Restaurants		C	C		C	C	C
7222	Limited-Service Eating Places		C	C		C	C	C
7223	Special Food Services		C	C		C	C	C
7224	Drinking Places (Alcoholic Beverages)		C	C		C	C	C
8111	Automotive Repair and Maintenance (except body shops and car washes)		P	P		P	P	P

81112	Automotive Body, Paint, Interior and Glass Repair			C		C		C
811192	Car Washes		C	C		C	C	C
8112	Electronic and Precision Equipment Repair and Maintenance		P	P		P	P	P
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance		P	P		P	P	P
8114	Personal and Household Goods Repair and Maintenance		P	P		P	P	P
8121	Personal Care Services (excludes tattoo and massage parlors - see 8129)		P	P		P	P	P
8122	Death Care Services	C	C	C	C	C	C	C
8123	Dry cleaning and Laundry Services		P	P		P	P	P
8129	Other Personal Services		C	C		C	C	C
8131	Religious Organizations	C	C	C	C	C	C	C
8132	Grantmaking and Giving Services		C	C		C	C	C
8133	Social Advocacy Organizations		C	C		C	C	C
8134	Civic and Social Organizations		C	C		C	C	C
8139	Business, Professional, Labor, Political, and Similar		C	C		C	C	C

	Organizations							
8141	Private Households	P			P	P		
9211	Executive, Legislative, and Other General Government Support		P	P		P	P	P
9221	Justice, Public Order, and Safety Activities	C	P	P	C	P	P	P
9231	Administration of Human Resource Programs		P	P		P	P	P
9241	Administration of Environmental Quality Programs		P	P		P	P	P
9251	Administration of Housing Programs, Urban Planning, and Community Development		P	P		P	P	P
9261	Administration of Economic Programs		P	P		P	P	P
9271	Space Research and Technology		P	P		P	P	P
9281	National Security and International Affairs		P	P		P	P	P
	Single-Family Dwelling, detached	P			P			
	Single-Family Dwelling, attached				P			
	Multi-Family Dwelling				P			

Editor's note— Ord. No. 4133, § 1, adopted June 24, 2008, deleted the former Div. 16, § 26-401, and enacted a new Div. 16, § 26-401 as set out herein. The former Div. 16, § 26-401 pertained to [generally]. Former zoning matrix was not set out but was included by reference and available for viewing at the office of the county clerk. See the Code Comparative Table for complete derivation.

Secs. 26-402—26-420. - Reserved.

DIVISION 17. - TELECOMMUNICATION TOWERS AND FACILITIES^[9]

Footnotes:

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Editor's note—*Section 1 of Ord. No. 3476, adopted August 26, 1997, amended the zoning code by adding a new division, but did not provide for exact manner of inclusion; hence, codification of §§ I—VIII of § 1 as Div. 17, §§ 26-421—26-429 was at the discretion of the editor.*

Sec. 26-421. - Legislative findings.

- (a) Among the purposes of the Telecommunications Act of 1996, enacted by Congress in February, 1996, was the deregulation of the telecommunications industry, so as to provide a more competitive environment for wired and wireless telecommunication services in the United States.
- (b) The Telecommunications Act of 1996 preserves the authority of cities to regulate the placement, construction and modification of telecommunication facilities, including antenna towers and other support structures and to protect the health, safety and welfare of the public.
- (c) Consistent with the Telecommunications Act of 1996, the regulation of telecommunication facilities within the city, as provided herein, will not have the effect of prohibiting the provision of wireless telecommunications services in the city.
- (d) The Federal Communications Commission (FCC) has exclusive jurisdiction over the regulation of the environmental effects of radio frequency emissions from the telecommunication facilities and the regulation of radio signal interference among users of the radio frequency spectrum.
- (e) The uncontrolled proliferation of antennas, towers and other support structures may have an adverse effect on property values within the city, the esthetic quality and character of the city and may otherwise threaten the public health, safety and welfare.

(Ord. No. 3476, § 1(I), 8-26-97)

Sec. 26-422. - Purposes.

The purposes of these regulations are to:

- (1) Provide for the appropriate location and development of telecommunications facilities and systems to serve the citizens and businesses of the city;
- (2) Minimize adverse visual impacts of telecommunications antennas and support structures through careful design, siting, landscape screening and innovative camouflaging techniques;
- (3) Maximize the use of existing and new support structures so as to minimize the need to construct new or additional facilities by encouraging the shared use/colocation of towers and other antenna support structures;
- (4) Encourage the use of disguised antenna support structures so as to ensure the architectural integrity and the scenic qualities of areas within the city;
- (5)

Ensure that regulation of telecommunication facilities does not have the effect of prohibiting the provision of personal wireless services and does not unreasonably discriminate among providers of functionally equivalent services.

(Ord. No. 3476, § 1(II), 8-26-97)

Sec. 26-423. - Definitions.

As used herein, the following terms shall have the meanings and usages indicated:

Antenna: Any device that transmits and/or receives electromagnetic signals for voice, data or video communications purposes including, but not limited to, television, AM/FM radio, microwave, cellular telephone and similar forms of communications. The term shall exclude satellite earth station antennas less than six (6) feet in diameter (mounted within twelve (12) feet of the ground or building mounted) and any receive-only home television antenna.

Cabinet: A structure for the protection and security of communications equipment associated with one (1) or more antennas where direct access to equipment is provided from the exterior and the horizontal dimensions of which do not exceed four (4) feet by six (6) feet.

Director: The director of public works of the city or his or her designee.

Disguised support structure: Any freestanding, manmade structure designed for the support of communications antennas, the presence of which is camouflaged or concealed as an architectural or natural feature. Such structures may include, but are not limited to, clock towers, observation towers, pylon signs, water towers, light standards, flag poles and artificial trees.

FAA: The Federal Aviation Commission.

FCC: The Federal Communications Commission.

Height: The vertical distance measured from the base of the structure at mean ground level to its highest point and including the main structure and all attachments thereto. Mean ground level shall be determined by the average elevation of the natural ground level within a radius of fifty (50) feet from the center location of measurement.

Modification: Any addition, deletion or change, including the addition or replacement of antennas, or a change to a structure requiring a building permit or other governmental approval.

Shelter: A building for the protection and security of communications equipment associated with one (1) or more antenna(s) and where access to equipment is gained from the interior of a building.

Support structure: Any freestanding or attached manmade structure designed for the support of one (1) or more antenna(s).

Telecommunications facilities: Any cables, wires, lines, antennas and any other equipment or facilities associated with the transmission or reception of telecommunications, as authorized by the FCC, which an applicant seeks to locate or have installed upon a tower or support structure.

Tower: A specific support structure designed and intended exclusively for the support of one (1) or more antenna(s) and including guyed towers, self-supporting (lattice) towers or monopoles, but not disguised support structures or buildings. The term shall also not include any support structure under sixty (60) feet in height owned and operated at the residence of an amateur radio operator licensed by the FCC and any mounting devices under five (5) feet in height used to attach an antenna to an existing building or structure.

(Ord. No. 3476, § 1(II), 8-26-97)

Sec. 26-424. - General requirements.

The requirements set forth in this section shall be applicable to all antennas, support structures, cabinets and shelters installed, built or modified after August 26, 1997, to the full extent permitted by law.

- (1) *Principal or incidental use.* Antennas and support structures may be either a principal use in all zoning districts or an incidental use to existing multifamily, institutional or nonresidential uses, subject to any applicable zoning district requirement relating to location or setback.
- (2) *Building codes, safety standards and zoning compliance.* To ensure the structural integrity of antennas, support structures, cabinets and shelters, all such facilities shall be constructed and maintained in compliance with all standards contained in any applicable building code and the applicable standards published by the Electronics Industries Association, as amended from time to time. In addition to any other approvals required hereunder, no antenna or support structure shall be erected prior to zoning approval and the issuance of a building permit.
- (3) *Regulatory compliance.* All antennas and support structures shall meet or exceed current standards and regulations of the FAA, FCC and any other governmental agency with the authority to regulate communications antennas and support structures. Should such standards or regulations be amended, then the owner shall bring such antennas and support structures into compliance with the revised standards or regulations within six (6) months of the effective date of the revision, unless an earlier date is mandated by the controlling agency.
- (4) *Security.* All antennas and support structures shall be protected from unauthorized access by appropriate security devices. A description of proposed security measures shall be provided as part of any application to install, build or modify antennas, and/or support structures. Additional measures may be required as a condition of the issuance of a building permit or administrative permit as deemed necessary by the director or the board of aldermen in the case of a conditional use permit.
- (5) *Lighting.* Antennas and support structures shall not be lighted unless required by the FAA or other governmental agency with authority to regulate. In such case, a description of the required lighting scheme shall be made a part of the application to install, build or modify the antennas or support structures.
- (6) *Advertising.* Unless an antenna and/or support structure is disguised in the form of an advertising device, such as a pylon sign or similar structure, the placement of advertising on support structures, cabinets or shelters regulated by this division is prohibited.
- (7) *Design.*
 - a. Support structures shall maintain a galvanized steel finish or, subject to the requirements of the FAA and/or any applicable governmental agency, be painted a neutral color consistent with the natural or built environment of the site

- b. Shelters and/or cabinets shall have an exterior finish compatible with the natural or built environment of the site.
- c. Antennas attached to a building or a disguised support structure shall be of a color identical to or closely compatible with the surface to which they are mounted.
- d. All support structures and cabinets mounted on the ground shall be surrounded by a landscape strip of not less than ten (10) feet in width and planted with materials which will provide a visual barrier to a minimum height of six (6) feet at the time of installation. Such landscape strip shall be exterior to any security fencing. In lieu of the required landscape strip, a minimum six-foot-high decorative fence or wall may be approved by the director in the case of an application for a building permit or administrative permit, or by the board of aldermen in the case of a conditional use application, upon demonstration by the applicant that an equivalent degree of visual screening is achieved.
- e. All towers shall be separated from any on-site single- or two-family residential structure a distance equal to the height of the tower. Towers on parcels adjacent to residentially zoned property shall meet the setbacks of the applicable zoning districts required for a principal structure along the adjoining property line(s). Where adjacent to nonresidential zoned property, towers shall maintain setbacks as are required for accessory structures.
- f. Ground anchors of all guyed towers shall be located on the same parcel as the tower and meet the setbacks of the applicable zoning district.
- g. Vehicle or outdoor storage on any tower site is prohibited.
- h. On-site parking for periodic maintenance and service shall be provided at all locations.

(8) *Shared use.*

- a. Prior to the issuance of any permit to alter or modify any tower existing on August 26, 1997, the owner shall provide to the city a verified statement agreeing to make such tower available for use by others, subject to reasonable technical limitations and financial terms. The willful and knowing failure of a tower owner to agree to shared use or to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build, or modify antennas or support structures within the city.
- b. Prior to the issuance of any permit to install, construct, or modify any tower, the tower owner shall furnish the director an inventory of all of its towers in or within one (1) mile of the city limits and agree, if applicable, to the shared use of such facilities, subject to such technical limitations and financial terms as are reasonable. The inventory shall include the tower's reference name or number, the street location, latitude and longitude, structure type, height, type and mounting height of existing antennas and an assessment of available ground space for the placement of additional equipment shelters.
- c. Any new tower approved at a height of one hundred (100) feet above ground level or higher shall be designed and constructed to accommodate at least one (1) additional user. The willful and knowing failure of the owner of a tower built for shared use to negotiate in good faith with potential users shall be cause for the withholding of future permits to the same owner to install, build, or modify antennas or support structures within the city.

(Ord. No. 3476, § 1(III), 8-26-97)

Sec. 26-425. - Permitted use.

- (1) The attachment of additional antennas to any tower existing on August 26, 1997, or subsequently approved in accordance with these regulations, provided that additional shelters or cabinets are located within the existing tower compound area and meet all other criteria as provided herein.
- (2) The mounting of antennas on any building or structure such as a water tower, provided that the presence of the antennas is concealed by architectural elements or camouflaged by painting a color identical to the surface to which they are attached.
- (3) The installation of antennas or the construction of a tower or buildings or land owned by the city following the approval of a lease agreement by the board of aldermen.
- (4) The installation of antennas or the construction of a support structure on buildings or land owned by the state or any agency of the federal government.

(Ord. No. 3476, § 1(IV), 8-26-97)

Sec. 26-426. - Administrative permit required.

- (a) *Permitted placement.* The placement of the following is permitted upon issuance of an administrative permit approved by the director:
 - (1) The attachment of additional antennas to any support structure existing on August 26, 1997, or subsequently approved in accordance with these regulations and requiring the enlargement of the existing tower compound area as long as all other requirements of this division and the underlying zoning district are met.
 - (2) The one-time replacement of any tower existing on August 26, 1997, or subsequently approved in accordance with these regulations so long as the purpose of the replacement is to accommodate shared use of the site or to eliminate a safety hazard. The new tower shall be of the same type as the original, except that a guyed or self-supporting (lattice) tower may be replaced by a monopole. The height of the new tower may exceed that of the original by not more than twenty (20) feet. Subsequent replacements shall require the issuance of a conditional use permit.
 - (3) The construction of a disguised support structure, provided that all related equipment shall be placed underground when the structure is a principal use on property zoned for residential use. Equipment may be placed in a cabinet if the disguised support structure is incidental to a multifamily, institutional, or nonresidential use.
 - (4) The installation of antennas or the construction of a support structure on buildings or land owned by a political subdivision of the state.
 - (5) The placement of dual polar panel antennas on wooden or steel utility poles, not to exceed forty (40) feet in height, provided that all related equipment is contained in a cabinet.
 - (6) Support structures erected and maintained for a period not to exceed thirty (30) days for the purpose of replacing an existing tower, testing an existing or proposed network, or special events requiring mobile towers.
- (b) *Application procedures.* Applications for administrative permits shall be made on the appropriate forms to the director, accompanied by payment of the prescribed fee:
 - (1) A detailed site plan, based on a closed boundary survey of the host parcel, shall be submitted indicating all existing and proposed improvements including buildings, drives, walkway, parking areas and other structures, public rights-of-way, the zoning categories of the subject and adjoining properties, the location of and distance to off-site residential structures, required setbacks, required buffer and landscape areas, hydrologic features, and the coordinates and

- (2) The application shall be reviewed by the director to determine compliance with the applicable standards and transmit the application for review and comment by other city departments as may be affected by the proposed facility.
- (3) The director shall issue a decision on the permit within forty (40) days of the filing of a complete application or the application shall be deemed approved. The director may deny the application or approve the application as submitted or with such modifications as are, in his/her judgement, reasonably necessary to protect the safety or general welfare of the citizens of the city. A decision to deny an application shall be made in writing, and state the specific reasons for the denial.

(Ord. No. 3476, § 1(V), 8-26-97)

Sec. 26-427. - Conditional use permit required.

All proposals to install, build or modify an antenna or support structure not covered under sections 26-425 or 26-426 above shall require the approval of the board of aldermen by conditional use permit following receipt of recommendation by the planning and zoning commission and a duly advertised public hearing by the board of aldermen.

- (1) Applications for a conditional use permit shall be filed and processed in the manner and time frame as established under the zoning code.
- (2) Findings required. In addition to any other determination required by the zoning code for the consideration of a conditional use permit, the board of aldermen shall make findings as to the following based upon evidence submitted with the application and/or presented during the public hearing by the applicant or others. A decision by the board on an application shall be accompanied by substantial evidence, which shall be made a part of the written record of the meeting at which a final decision on the application is rendered.
 - a. Whether or not existing support structures are located within the geographic area necessary to meet the applicant's engineering requirements.
 - b. Whether or not existing support structures within the applicant's required geographic area are of sufficient height to meet system engineering requirements.
 - c. Whether or not existing support structures have sufficient structural strength to support the applicant's proposed antennas.
 - d. Whether or not the proposed antenna(s) would experience or cause signal interference with antennas on existing towers or structures.
 - e. Whether or not fees, costs, or other contractual terms required by the owner(s) of existing support structures within the required geographic area of the applicant or to retrofit the existing tower(s) or other support structure(s) are reasonable. Costs exceeding that of a new tower are presumed to be unreasonable.
 - f. Whether or not there are other limiting conditions that render existing towers, structures or buildings within the applicant's required geographic area unsuitable.
- (3) No support structure shall be approved in excess of one hundred fifty (150) feet in height unless the applicant clearly demonstrates that such height is required for the proper function of the applicant's system or that of a public safety communications system of a governmental entity sharing the support structure. Such showing must also be supported by the opinion of a telecommunications consultant hired by the city at the expense of the applicant. The report of the consultant shall include a statement that no available alternatives exist to exceeding the height

(Ord. No. 3476, § 1(VI), 8-26-97)

Sec. 26-428. - Removal of antenna support structures.

Any antenna support structure, or the upper portion of any antenna support structure, which is occupied by an inactive antenna for a period of six (6) months shall be deemed a nuisance and shall be removed at the owner's expense.

(Ord. No. 3476, § 1(VII), 8-26-97)

Sec. 26-429. - Filing of bond or other security prior to permit issuance.

Any applicant for a new support structure not built as a disguised support structure shall file with the city a bond or other security satisfactory to the city prior to the issuance of any permit hereunder to ensure that such structure does not become unsafe or otherwise fail to comply with the requirements of this division, including without limitation, failure to remove such structure as required pursuant to section 26-428 hereof, or any other applicable regulations. The bond or security shall be in the form approved by the director, in an amount not less than fifteen thousand dollars (\$15,000.00), or such additional amount as is determined by the director to protect the city in the event of noncompliance with the requirements hereof.

(Ord. No. 3476, § 1(VIII), 8-26-97)

Secs. 26-430—26-449. - Reserved.

DIVISION 18. - STREAM BUFFER PROTECTION

Sec. 26-450. - Title.

This division shall be known as the "City of Crestwood Stream Buffer Protection Ordinance."

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-451. - Findings.

Whereas, the board of aldermen of the city finds that buffers adjacent to streams provide numerous benefits including:

- (1) Protecting, restoring and maintaining the chemical, physical and biological integrity of streams and their water resources;
- (2) Removing pollutants delivered in urban stormwater;
- (3) Reducing erosion and controlling sedimentation;
- (4) Protecting and stabilizing stream banks;
- (5) Providing for infiltration of stormwater runoff;
- (6) Maintaining base flow of streams;
- (7) Contributing organic matter that is a source of food and energy for the aquatic ecosystem;
- (8) Providing tree canopy to shade streams and promoting desirable aquatic habitat;
- (9) Providing riparian wildlife habitat;
- (10) Furnishing scenic value and recreational opportunity; and
- (11) Providing opportunities for the protection and restoration of greenspace.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-452. - Purposes.

The purpose of this division is to protect the public health, safety, environment and general welfare; to minimize public and private losses due to erosion, siltation and water pollution; and to maintain stream water quality by provisions designed to:

- (1) Create buffer zones along the streams within the city for the protection of water resources; and,
- (2) Minimize land development within such buffers by establishing buffer zone requirements and by requiring authorization for any such activities.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-453. - Definitions.

Buffer means, with respect to a stream, a natural or enhanced vegetated area (established by subsection 26-455(a)(1) below), lying adjacent to the stream.

Impervious cover means any manmade paved, hardened or structural surface regardless of material. Impervious cover includes, but is not limited to, rooftops, buildings, streets, roads, decks, swimming pools and any concrete or asphalt.

Land development means any land change, including but not limited to clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving and any other installation of impervious cover.

Land development activity(ies) means those actions or activities which comprise, facilitate or result in land development.

Land disturbance means any land or vegetation change, including, but not limited to, clearing, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, that do not involve construction, paving or any other installation of impervious cover.

Land disturbance activity(ies) means those actions or activities which comprise, facilitate or result in land disturbance.

Floodplain means any land area susceptible to flooding, which would have at least a one (1) percent probability of flooding occurrence in any calendar year based on the basin being fully developed as shown on the current land use plan; i.e., the regulatory flood.

Parcel means any plot, lot or acreage shown as a unit on the latest county tax assessment records.

Permit means the permit issued by the city required for undertaking any land development activity.

Person means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, city, county or other political subdivision of the state, any interstate body or any other legal entity.

Protection area, or stream protection area means, with respect to a stream, the combined areas of all required buffers and setbacks applicable to such stream.

Riparian means belonging or related to the bank of a river, stream, lake, pond or impoundment.

Setback means, with respect to a stream, the area established by section 26-455(a)(2) extending beyond any buffer applicable to the stream.

Stream means any stream, beginning at:

- (1) All natural watercourses depicted by a solid or dashed blue line on the most current United States Geological Survey (U.S.G.S.) 7.5 Minute Series (Topographic) Maps for Missouri; or
- (2) A point in the stream channel with a drainage area of twenty-five (25) acres or more.

Stream bank means the sloping land that contains the stream channel and the normal flows of the stream. Where no established top-of-bank can be determined, the stream bank will be the "ordinary high water mark" as defined by the Corps of Engineers in Title 33 of the Code of Federal Regulation, Part 328.3.

Stream channel means the portion of a watercourse that contains the base flow of the stream.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-454. - Applicability.

This division shall apply to all land development activity on property containing a stream protection area as defined in section 26-453. These requirements are in addition to, and do not replace or supersede, any other applicable buffer or flood plain requirements established under state law or city ordinance and approval or exemption from these requirements do not constitute approval or exemption from buffer requirements established under state law or city ordinance or from other applicable local, state or federal regulations.

(1) *Exceptions.*

This division shall not apply to the following activities:

- a. Work consisting of the repair or maintenance of any lawful use of land that is zoned and approved for such use on or before the effective date of this division.
- b. Existing development and ongoing land disturbance activities including but not limited to, existing agriculture, silviculture, landscaping, gardening and lawn maintenance, except that new development or land disturbance activities on such properties will be subject to all applicable buffer requirements.
- c. Any land development activity that is under construction, fully approved for development, scheduled for permit approval or has been submitted for approval as of the effective date of this division.
- d. Land development activity that has not been submitted for approval, but that is part of a larger master development plan, such as for an office park or other phased development that has been previously approved within two (2) years of the effective date of this division.
- e. Redevelopment within a residential or commercial property which currently encroaches within the stream buffer so long as improvements do not exceed the existing encroachment.

(2) *Exemptions.*

The following specific activities are exempt from this division. Exemption of these activities does not constitute an exemption for any other activity proposed on a property.

- a. Activities for the purpose of building one (1) of the following:

1. A stream crossing by a driveway, transportation route or utility line;
 2. Public water supply intake or public wastewater structures or stormwater outfalls;
 3. Intrusions necessary to provide access to a property;
 4. Public access facilities that must be on the water including boat ramps, docks, foot trails leading directly to the river, fishing platforms and overlooks;
 5. Unpaved foot trails and paths;
 6. Activities to restore and enhance stream bank stability, vegetation, water quality and/or aquatic habitat, so long as native vegetation and bioengineering techniques are used; or
 7. Municipal public improvements.
- b. Public sewer line easements. This includes such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to, manholes, vents and valve structures.
 - c. Land development activities within a park or right-of-way existing at the time this division takes effect or approved under the terms of this division.
 - d. Within an easement of any utility existing at the time this division takes effect or approved under the terms of this division, land disturbance activities and such impervious cover as is necessary for the operation and maintenance of the utility, including but not limited to manholes, vents and valve structures.
 - e. Emergency work necessary to preserve life or property. However, when emergency work is performed under this section, the person performing it shall report such work to the Department of Public Services on the next business day after commencement of the work. Within ten (10) days thereafter, the person shall apply for a permit and perform such work within such time period as may be determined by the director of public works to be reasonably necessary to correct any impairment such emergency work may have caused to the water conveyance capacity, stability or water quality of the protection area.
 - f. Forestry and silviculture activities on land that is zoned for forestry, silvicultural or agricultural uses and are not incidental to other land development activity. If such activity results in land disturbance in the buffer that would otherwise be prohibited, then no other land disturbance activity other than normal forest management practices will be allowed on the entire property for three (3) years after the end of the activities that intruded on the buffer.
 - g. Any activities approved under a 404 permit issued by the Corps of Engineers and 401 water quality certification issued by the Missouri Department of Natural Resources.

After the effective date of this division, it shall apply to new subdividing and platting activities.

Any land development activity within a buffer established hereunder or any impervious cover within a setback established hereunder is prohibited unless a variance is granted pursuant to subsection 26-455(b) below.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-455. - Land development requirements.

(a) *Buffer and setback requirements.*

All land development activity subject to this division shall meet the following requirements:

- (1) For streams depicted as a solid blue line on the U.S.G.S. map, an undisturbed natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank. For all other streams subject to this division, an undisturbed natural vegetative buffer shall be maintained for twenty-five (25) feet, measured horizontally, on both banks (as applicable) of the stream as measured from the top of the stream bank.
- (2) An additional setback shall be maintained for twenty-five (25) feet, measured horizontally, beyond the undisturbed natural vegetative buffer, in which all impervious cover shall be prohibited. Grading, filling and earthmoving shall be minimized within the setback.
- (3) No septic tanks or septic tank drain fields shall be permitted within the buffer or the setback.

(b) *Variance procedures.*

Variances from the above buffer and setback requirements may be granted in accordance with the following provisions:

- (1) Where a parcel was platted prior to the effective date of this division, and its shape, topography or other existing physical condition prevents land development consistent with this division, and the board of adjustment of the city finds and determines that the requirements of this division prohibit the otherwise lawful use of the property by the owner, the board of adjustment of the city may grant a variance from the buffer and setback requirements hereunder, provided such variance require mitigation measures to offset the effects of any proposed land development on the parcel.
- (2) Except as provided above, the board of adjustment of the city shall grant no variance from any provision of this division without first conducting a public hearing on the application for variance and authorizing the granting of the variance by an affirmative vote of the board of adjustment. The city shall give public notice of each such public hearing in a newspaper of general circulation within the city. The city shall require that the applicant post a sign giving notice of the proposed variance and the public hearing. The sign shall be of a size and posted in such a location on the property as to be clearly visible from the primary adjacent road right-of-way.

Variances will be considered only in the following cases:

- a. When a property's shape, topography or other physical conditions existing at the time of the adoption of this division prevents land development unless a buffer variance is granted.
- b. Unusual circumstances when strict adherence to the minimal Buffer requirements in the ordinance would create an extreme hardship.

Variances will not be considered when, following adoption of this division, actions of any property owner of a given property have created conditions of a hardship on that property.

- (3) At a minimum, a variance request shall include the following information:
 - a. A site map that includes locations of all streams, wetlands, floodplain boundaries and other natural features, as determined by field survey;
 - b. A description of the shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
 - c. A detailed site plan that shows the locations of all existing and proposed structures and other impervious cover, the limits of all existing and proposed land disturbance, both inside and outside the buffer and setback. The exact area of the buffer to be affected shall be accurately

and clearly indicated;

- d. Documentation of unusual hardship should the buffer be maintained;
- e. At least one (1) alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible;
- f. A calculation of the total area and length of the proposed intrusion;
- g. A stormwater management site plan, if applicable; and,
- h. Proposed mitigation, if any, for the intrusion. If no mitigation is proposed, the request must include an explanation of why none is being proposed.

(4) The following factors will be considered in determining whether to issue a variance:

- a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;
- b. The locations of all streams on the property, including along property boundaries;
- c. The location and extent of the proposed buffer or setback intrusion; and,
- d. Whether alternative designs are possible which require less intrusion or no intrusion;
- e. The long-term and construction water-quality impacts of the proposed variance;
- f. Whether issuance of the variance is at least as protective of natural resources and the environment.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-456. - Compatibility with other regulations and requirements.

This division is not intended to interfere with, abrogate or annul any other ordinance, rule or regulation, statute or other provision of law. The requirements of this division should be considered minimum requirements, and where any provision of this division imposes restrictions different from those imposed by any other ordinance, rule, regulation or other provision of law, whichever provisions are more restrictive or impose higher protective standards for human health or the environment shall be considered to take precedence.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-457. - Additional information requirements for development on buffer zone properties.

Any permit applications for property requiring buffers and setbacks hereunder must include the following:

- (1) A site plan showing:
 - a. The location of all streams on the property;
 - b. Limits of required stream buffers and setbacks on the property;
 - c. Buffer zone topography with contour lines at no greater than five-foot contour intervals;
 - d. Delineation of forested and open areas in the buffer zone; and,
 - e. Detailed plans of all proposed land development in the buffer and of all proposed impervious cover within the setback;
- (2) A description of all proposed land development within the buffer and setback; and,
- (3) Any other documentation that the director of public services or board of adjustment may reasonably deem necessary for review of the application and to insure that this division is

All buffer and setback areas must be recorded on the final plat of the property following plan approval. A note to reference the vegetated buffer shall state: "There shall be no clearing, grading, construction or disturbance of vegetation except as permitted by the City of Crestwood Stream Buffer Protection Ordinance".

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-458. - Responsibility.

Neither the issuance of a development permit nor compliance with the conditions thereof, nor with the provisions of this division shall relieve any person from any responsibility otherwise imposed by law for damage to persons or property; nor shall the issuance of any permit hereunder serve to impose any liability upon the city, its elected officials, boards, commissions, officers or employees, for injury or damage to persons or property.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-459. - Inspection.

The city may cause inspections of the work in the buffer or setback to be made periodically during the course thereof and shall make a final inspection following completion of the work. The permittee shall assist the city in making such inspections. The city shall have the authority to conduct such investigations as it may reasonably deem necessary to carry out its duties as prescribed in this division, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigating and inspecting the sites of any land development activities within the protection area.

No person shall refuse entry or access to any authorized representative or agent who requests entry for purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out official duties.

(Ord. No. 4100, § 1, 1-8-08)

Sec. 26-460. - Violations, enforcement and penalties.

Any action or inaction which violates the provisions of this division or the requirements of an approved site plan or permit may be subject to the enforcement actions outlined in this section. Any such action or inaction which is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

(1) Notice of violation.

If the city determines that an applicant or other responsible person has failed to comply with the terms and conditions of a permit, an approved site plan or the provisions of this division, it shall issue a written notice of violation to such applicant or other responsible person. Where a person is engaged in activity covered by this division without having first secured the appropriate permit therefor, the notice of violation shall be served on the owner or the responsible person in charge of the activity being conducted on the site.

The notice of violation shall contain:

- a. The name and address of the owner or the applicant or the responsible person;

- c. A statement specifying the nature of the violation;
- d. A description of the remedial measures necessary to bring the action or inaction into compliance with the Permit, the approved site plan or this division and the date for the completion of such remedial action;
- e. A statement of the penalty or penalties that may be assessed against the person to whom the notice of violation is directed; and,
- f. A statement that the determination of violation may be appealed to the city public services director by filing a written notice of appeal within thirty (30) days after the notice of violation (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient).

(2) Penalties.

In the event the remedial measures described in the notice of violation have not been completed by the date set forth for such completion in the notice of violation, any one (1) or more of the following actions or penalties may be taken or assessed against the person to whom the notice of violation was directed. Before taking any of the following actions or imposing any of the following penalties, the city shall first notify the applicant or other responsible person in writing of its intended action, and shall provide a reasonable opportunity, of not less than ten (10) days (except that in the event the violation constitutes an immediate danger to public health or public safety, twenty-four (24) hours' notice shall be sufficient) to cure such violation. In the event the applicant or other responsible person fails to cure such violation after such notice and cure period, the city may take any one (1) or more of the following actions or impose any one (1) or more of the following penalties:

- a. Stop work order - The city may issue a stop work order which shall be served on the applicant or other responsible person. The stop work order shall remain in effect until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violation or violations described therein, provided the stop work order may be withdrawn or modified to enable the applicant or other responsible person to take necessary remedial measures to cure such violation or violations.
- b. Withhold certificate of occupancy - The city may refuse to issue a certificate of occupancy for the building or other improvements constructed or being constructed on the site until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.
- c. Suspension, revocation or modification of permit - The city may suspend, revoke or modify the permit authorizing the land development project. A suspended, revoked or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated (upon such conditions as the city may deem necessary) to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.
- d. Civil penalties - In the event the applicant or other responsible person fails to take the remedial measures set forth in the notice of violation or otherwise fails to cure the violations described therein within ten (10) days (or such greater period as the city shall deem appropriate) (except that in the event the violation constitutes an immediate danger to public

e. Criminal penalties - For any violation of this division, the city may issue a citation to the applicant or other responsible person, requiring such person to appear in Crestwood Municipal Court to answer charges for such violation. Upon conviction, such person shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for ninety (90) days or both. Each act of violation and each day upon which any violation shall occur shall constitute a separate offense.

SB—superseded by

Section	
1.01	O
1.02	<u>1-2</u>
1.021	O
1.03	<u>1-10</u>
1.04	<u>1-11</u>
1.05	<u>1-4</u>
1.06	<u>1-6</u>
1.07	<u>1-5</u>
1.08	<u>2-1</u>
1.09	<u>1-7</u>
1.10	<u>1-8</u>
1.11	<u>1-9</u>
2.01	<u>8-1</u>
2.02	<u>8-2</u>
2.03	O
2.04	O
2.05	<u>8-3</u>
2.06	<u>8-4</u>
2.07	<u>8-5</u>
2.08	<u>8-7</u>
2.09	O
2.10	8-6

2.11—2.13	O
2.14	<u>8-8</u>
2.15—2.30	O
3.01	<u>2-21</u>
3.02	<u>2-23, 2-28</u>
3.03	<u>2-24</u>
3.04	O
3.05	<u>2-26</u>
3.06	<u>2-27</u>
3.07	O
3.08	<u>2-29</u>
4.01	<u>2-46</u>
4.02	<u>2-47</u>
4.03	<u>2-48</u>
4.04	<u>2-49</u>
4.05	<u>2-50</u>
4.06	<u>2-53</u>
4.065	<u>2-54</u>
4.066	<u>2-55</u>
4.07	O
4.075	<u>2-56</u>
4.08	<u>2-57</u>
4.085	<u>2-59</u>

4.09	<u>2-58</u>
4.091	RB #1489
4.092	RB #1513
4.10	<u>2-60</u>
4.11	O
4.111	O
4.115	O
4.12—4.14	O
4.145	O
4.15	<u>24-22</u>
4.16	O
4.17	<u>2-52</u>
4.18	O
4.19	<u>2-145</u>
4.195	O
4.20	<u>2-141</u>
4.21	O
4.22	<u>2-161</u>
4.23	<u>2-144</u>
4.24	<u>2-143</u>
4.25	O
4.26	<u>25-1</u>
4.27	<u>25-2</u>

4.28	O
4.29	<u>2-4</u>
4.30	<u>2-5</u>
4.31	<u>2-65</u>
4.32	<u>2-4</u>
4.33	<u>2-6</u>
4.34	<u>2-2</u>
4.35	<u>2-64</u>
4A.01	<u>18-2</u>
4A.02—4A.11	<u>18-4</u> —18-13
4A.12	<u>18-1, 18-14</u>
4A.13	<u>18-3</u>
5.01	<u>2-82</u>
5.02	<u>2-96</u>
5.03	<u>2-97</u>
5.04	<u>2-98</u>
5.05	R
5.06	<u>2-99</u>
5.07	<u>2-100</u>
5.08	<u>2-101</u>
5.09	<u>2-102</u>
5.10	<u>2-103</u>
5.11	<u>2-104</u>

5.12	<u>2-105</u>
5.13	<u>2-106</u>
5.14	<u>2-107</u>
5.15	O
5.16	<u>2-109</u>
5.17	<u>2-121</u>
5.18	<u>2-122</u>
5.19	R
5.20	<u>2-123</u>
5.21	<u>2-124, 2-125</u>
5.22	O
5.23	2-127
5.24	2-127
5.25	O
5.26	<u>2-81</u>
5.27	<u>2-110</u>
5.28	<u>2-83</u>
5.29	O
5.30	<u>25-3</u>
5.31	RB #1081
5.32, 5.33	O
6.01	<u>20-1</u>
6.02	<u>20-3</u>

6.03	<u>20-4</u>
6.04	<u>20-2</u>
6.05	O
6.051	O
6.06	<u>20-6</u>
6.061	O
6.07	O
6.071	O
6.072	O
6.08—6.11	<u>20-7</u> —20-10
6.12—6.17	O
6.18	20-12
6.19	20-13
6.20	<u>20-15</u>
6.21—6.24	O
6.25	<u>20-15</u>
7.01	<u>9-16</u>
7.02	<u>9-17</u>
7.03	<u>9-17</u>
7.04	RB #1581
7.05	<u>9-19</u>
7.06	O
7.07	<u>9-20</u>

8.01—8.38	O
8.39	O
8.40—8.45	O
9.01	<u>2-62</u>
9.02	O
9.03	<u>24-10</u>
9.04	<u>24-11</u>
9.05	<u>24-12</u>
9.06	<u>24-13</u>
9.07	<u>24-14</u>
9.08	<u>24-15</u>
9.09	<u>24-16</u>
9.10	<u>24-17</u>
9.11	<u>24-21</u>
9.12	<u>24-23</u>
9.13	<u>24-9</u>
9.14	<u>24-53</u>
9.15	<u>24-7</u>
9.16	<u>24-54</u>
9.17	<u>24-55</u>
9.18	<u>24-37</u>
9.19	<u>24-8</u>
9.20	<u>24-26</u>

9.21	<u>24-1</u>
9.22	<u>24-2</u>
9.23	<u>24-3</u>
9.24	<u>24-52</u>
9.25	<u>24-51</u>
9.26	<u>24-29</u>
9.27	24-30
9.28	<u>24-31</u>
9.29	24-4
9.30	24-5
9.31	24-6
9.32	<u>24-56</u>
9.33	<u>24-58</u>
9.34	<u>24-57</u>
9.345	<u>24-59</u>
9.35	<u>24-61</u>
9.36	<u>24-60</u>
9.37—9.40	O
9.41	<u>24-32</u>
9.42	<u>24-33</u>
9.43	<u>24-34</u>
9.44	<u>24-35</u>
9.45	<u>24-36</u>

9.46	<u>24-38</u>
9.47	<u>24-18</u>
9.48	<u>24-19</u>
9.49	<u>24-20</u>
9.50	<u>24-21</u>
9.51	<u>24-25</u>
9.52	<u>24-27</u>
9.53	<u>24-28</u>
10.01	<u>17-1</u>
10.02	<u>17-2</u>
10.03	<u>17-3</u>
10.04	<u>17-4</u>
10.05	<u>17-9</u>
10.06	<u>17-5</u>
10.07	<u>17-6</u>
10.08	<u>17-7</u>
10.09—10.10.18	<u>17-10—17-19</u>
10.101	<u>17-8</u>
10.30	<u>17-20</u>
10.50	<u>17-21</u>
10.60	<u>17-22</u>
10.61	<u>17-23</u>
10.62	<u>17-24</u>

11.01—11.08	O
11.140—11.149	O
11.15	O
12.01—12.16	O
12A.01—12A.7	O
12A.8—12A.14	O
13.01	<u>23-1</u>
13.02	<u>23-3</u>
13.03	<u>23-4</u>
13.04	O
13.05	<u>23-5</u>
13.06	<u>23-6</u>
13.07	<u>23-8</u>
13.08—13.10	<u>23-9</u> —23-11
13.11	<u>23-2</u>
13.12	<u>23-7</u>
14.01	<u>21-5</u>
14.02	<u>21-3</u>
14.03	<u>21-1</u>
14.04	<u>21-2</u>
14.05	<u>21-4</u>
15.01—15.11	O
16.01	6-1

16.02	<u>6-4</u>
16.03	<u>6-5</u>
16.04	<u>6-6</u>
16.05	<u>6-7</u>
16.06	<u>6-8</u>
16.07	<u>6-9</u>
16.08	<u>6-3</u>
16.09	O
16.10	<u>6-11</u>
16.11	<u>6-2</u>
17.01	O
17.02—17.04	O
17.05, 17.06	O
18.01—18.06	O
19.01	<u>6-2</u>
19.02	7-51
19.03	7-54
19.04	7-55
19.05	7-56
19.06—19.11	7-57—7-62
19.12	7-52
20.01	19-18
20.02	19-20

20.03	19-19
20.04	19-20
20.05—20.12	19-21—19-28
20.13	19-17
21.01	0
21.02	26-7
21.03	26-1
21.04	26-2
21.05—21.21	0
21.22	<u>26-81</u>
21.23	<u>26-82</u>
21.24	<u>26-83</u>
21.25	<u>26-84</u>
21.26	<u>26-85</u>
21.27	<u>26-86</u>
21.28	<u>26-87</u>
21.29	<u>26-88</u>
21.30	<u>26-89</u>
21.31	<u>26-90</u>
21.32	<u>26-91</u>
21.33	<u>26-92</u>
21.34	<u>26-93</u>
21 35	26-94

21.36	26-95
21.37	26-96
21.38	26-97
21.39—21.44	26-98—26-103
21.45	26-8
	26-8
21.46	26-9
21.47	26-10
21.48	0
21.49	26-4
21.50	26-5
21.51	26-3
21.999	0
22.01, 22.015	0
22.02	7-3
22.021, 22.022	0
22.03	<u>7-4</u>
22.04	0
22.05	<u>7-5</u>
22.06	0
22.07, 22.08	<u>7-6</u>
22.09	<u>7-7</u>
22.10	7-8

22.11	O
22.12	<u>7-9</u>
22.13	<u>7-10</u>
22.14	<u>7-11</u>
22.15	<u>7-12</u>
22.16	<u>7-13</u>
22.17	<u>7-32</u>
22.18	<u>7-14</u>
22.19	O
22.20	7-17
22.21	<u>7-1</u> , 7-31
23.01	<u>9-36</u>
23.02	<u>9-37</u>
23.03	9-38
23.04	9-39
23.05	9-40
24.02	O
25.01—25.08	O
26.01	<u>22-4</u>
26.02	<u>22-2</u>
26.03	<u>22-1</u>
26.04	<u>22-7</u>
26.05	<u>22-5</u>

26.06	<u>22-6</u>
26.07	<u>22-19</u>
26.08	<u>22-20</u>
26.09	<u>22-21</u>
26.10	<u>22-11</u>
26.11	<u>22-22</u>
26.12	<u>22-23</u>
26.13	<u>22-24</u>
26.14	<u>22-25</u>
26.15	<u>22-26</u>
26.16	<u>22-27</u>
26.17	<u>22-28</u>
26.18	<u>22-29</u>
26.19	<u>22-17</u>
26.20	<u>22-8</u>
26.21	<u>22-14</u>
26.22	<u>22-15</u>
26.23	<u>22-31</u>
26.24	<u>22-16</u>
26.25	<u>22-18</u>
26.26	<u>22-9</u>
26.27	<u>22-33</u>
26.28	<u>22-32</u>

26.29	22-35
26.30	22-36
26.31	<u>22-30</u>
26.32	22-37
26.33	<u>22-12</u>
26.34	<u>22-13</u>
26.35	<u>22-10</u>
26.36	<u>22-34</u>
26.37	<u>22-3</u>
27.01—27.10	O
28.01, 28.02	<u>7-81, 7-82</u>
28.03	<u>7-85</u>
28.04, 28.05	O
28.06	<u>7-83</u>
28.07	<u>7-88</u>
28.08	<u>7-84</u>
29.010—29.390	O
29.391, 29.400	O
30.01	<u>10-4</u>
30.02	<u>10-1</u>
30.03	<u>10-5</u>
30.04	<u>10-6</u>
30.05	10-12

30.06	<u>10-7</u>
30.07	<u>10-8</u>
30.08	O
30.09	<u>10-10</u>
30.10	10-11
30.11	10-13
30.12	10-15
30.13	10-15
30.14	10-16
30.15	<u>10-2</u>
30.16	<u>10-3</u>
31.01	<u>13-16</u>
31.02	<u>13-17</u>
31.03	<u>13-18</u>
31.05	<u>13-19</u>
31.06	<u>13-20</u>
31.07	<u>13-25</u>
31.08	<u>13-21</u>
31.09	<u>13-23</u>
31.10	<u>13-26</u>
31.11	<u>13-22</u>
31.12	<u>13-24</u>
32.01	<u>13-1</u>

32.02	<u>13-202</u>
32.03	<u>13-206</u>
32.05	<u>13-230</u>
32.07	<u>13-27</u>
32.08	O
32.09	<u>13-228</u>
32.10	<u>13-28</u>
32.11	<u>13-29</u>
32.13	<u>13-33</u>
32.14	<u>13-34</u>
32.15	<u>13-31</u>
32.16	<u>13-30</u>
32.17	O
32.175	<u>13-35</u>
32.176	<u>13-36</u>
32.18	<u>13-37</u>
32.19	<u>13-38</u>
32.20	<u>13-39</u>
33.01	<u>13-136</u>
33.02	<u>13-137</u>
33.03	<u>13-138</u>
33.04	<u>13-139</u>
33.05	<u>13-140</u>

33.06	<u>13-141</u>
33.07	<u>13-142</u>
33.08	<u>13-145</u>
33.09	<u>13-144</u>
33.10	<u>13-143</u>
34.02—34.11	O
35.01	<u>13-81, 13-82</u>
	<u>13-84</u>
35.02	O
35.03	O
35.04	<u>13-85</u>
35.05	<u>13-86</u>
35.06	<u>13-87</u>
35.07	<u>13-88</u>
35.08	<u>13-89, 13-90</u>
35.10	<u>13-91</u>
35.11	<u>13-92</u>
35.12	<u>13-93</u>
35.13	<u>13-94</u>
35.14	<u>13-83</u>
36.01	<u>13-52</u>
36.02	<u>13-55</u>
36.04	<u>13-57</u>

36.05	<u>13-54</u>
36.06	<u>13-58</u>
36.07	<u>13-59</u>
36.08	<u>13-60</u>
36.09	<u>13-61</u>
36.10	<u>13-62</u>
36.11	<u>13-63</u>
36.12	<u>13-64</u>
36.13	<u>13-65</u>
36.14	<u>13-66</u>
36.15	<u>13-65</u>
36.16	O
36.17	<u>13-51</u>
37.01, 38.01	<u>13-201</u>
37.02	<u>13-203</u>
37.03	<u>13-204</u>
37.04	<u>13-205</u>
37.05	<u>13-207</u>
37.06	<u>13-208</u>
37.07	<u>13-209</u>
37.08	<u>13-209, 13-210</u>
37.09	<u>13-211, 13-229</u>
37.10	<u>13-212</u>

37.11	<u>13-214</u>
37.12	<u>13-215</u>
37.121	<u>13-216</u>
37.13—37.16	<u>13-218</u> —13-221
37.17	O
37.18—37.22	<u>13-223</u> —13-227
38.01—38.04	O
38.05	<u>13-213</u>
38.06	O
38.07	<u>13-217</u>
38.08	O
39.01	<u>25-43</u>
39.02	<u>25-44</u>
39.03—39.07	<u>25-45</u> —25-49
39.08	<u>25-42</u>
40.01	<u>5-16</u>
40.02, 40.03	<u>5-19</u>
40.04	<u>5-42</u>
40.05	<u>5-43</u>
40.06	<u>5-44</u>
40.07	<u>5-46</u>
40.08	<u>5-47</u>
40.09	<u>5-48</u>

40.10	<u>5-18</u>
40.11	<u>5-49</u>
40.12	<u>5-50</u>
40.13	<u>5-51</u>
40.14	<u>5-52</u>
40.15	<u>5-57</u>
40.16	<u>5-53</u>
40.17	<u>5-54</u>
40.18	<u>5-55</u>
40.19	<u>5-56</u>
40.20	<u>5-27, 5-58</u>
40.21	<u>5-59</u>
40.22	<u>5-45</u>
40.23	O
40.24	<u>5-20</u>
40.25	<u>5-22</u>
40.26	<u>5-21</u>
40.27	<u>5-24</u>
40.273	<u>5-24</u>
40.274	O
40.275	O
40.28	<u>5-26</u>
40.29	O

40.30	<u>5-28</u>
40.31	O
40.32	<u>5-17</u>
41.01	<u>5-71</u>
41.02	<u>5-73, 5-101</u>
41.03	<u>5-102</u>
41.035	<u>5-103</u>
41.04	<u>5-104</u>
41.05	<u>5-116</u>
41.06	<u>5-105</u>
41.06	<u>5-106</u>
41.07	<u>5-109</u>
41.08	<u>5-108</u>
41.09	<u>5-110</u>
41.10	<u>5-75</u>
41.11	<u>5-76</u>
41.12	<u>5-80</u>
41.13	<u>5-90</u>
41.14	<u>5-81</u>
41.15	<u>5-114</u>
41.16	<u>5-82</u>
41.17	<u>5-83</u>
41.18	<u>5-77</u>

41.19	<u>5-84</u>
41.20	<u>5-115</u>
41.21	<u>5-74</u>
41.22	<u>5-78</u>
41.225	<u>5-79</u>
41.23	<u>5-87</u>
41.235	<u>5-88</u>
41.24	O
41.27	<u>5-89</u>
41.28	<u>5-107</u>
41.29	<u>5-113</u>
41.30	<u>5-72</u>
41.31	<u>5-117</u>
41.32	<u>5-112</u>
41.33	<u>5-111</u>
42.01—42.68	O
43	RB #1081
44.01	<u>25-21</u>
44.02	<u>25-22</u>
44.03	<u>25-23</u>
44.04	O
45.01	<u>13-161</u>
45.02	<u>13-166</u>

45.03	<u>13-166</u>
45.04	<u>13-167</u>
45.05	<u>13-168</u>
45.06	<u>13-169</u>
45.07	<u>13-171</u>
45.08	<u>13-172</u>
45.09	<u>13-170</u>
45.10	<u>13-174</u>
45.11	<u>13-175</u>
45.12	<u>13-176, 13-177</u>
45.13	<u>13-178</u>
45.14	O
45.15	<u>13-179, 13-180</u>
45.16	<u>13-181</u>
45.17	<u>13-182</u>
45.18	O
45.19	<u>13-173</u>
45.20	O
45.21	<u>13-164</u>
45.22	<u>13-165</u>
45.23	<u>13-163</u>
50.1—50.23	O
51.01	14-71

51.02	14-72
51.03	14-73
51.04	14-74
Ch. 300	Omitted
52.01	<u>14-1</u>
52.02	SB § 300.075
52.03	SB § 300.075
52.04	SB § 300.095
52.05	<u>14-6</u>
52.06	<u>14-10</u>
52.07	<u>14-7</u>
52.08	<u>14-9</u>
52.085	O
52.09	<u>14-11</u>
52.10	<u>14-13</u>
52.11, 52.12	<u>14-46</u>
52.13	<u>14-48</u>
52.14	<u>14-49</u>
52.15	O
52.16	<u>14-50</u>
52.17	<u>14-51</u>
52.18	<u>14-14</u>
52.19	<u>14-16</u>

52.20	<u>14-15</u>
52.205	<u>14-127</u>
52.21	<u>14-129</u>
52.22	<u>14-128, 14-190</u>
52.23	<u>14-130</u>
52.24—52.28	<u>14-112</u> —14-116
52.285	<u>14-117</u>
52.29—52.31	<u>14-118</u> —14-120
52.33	SB § 300.275
52.34	SB § 300.280
52.35	<u>14-121</u>
52.36	SB § 300.335
52.37	SB § 300.285
52.38	SB § 300.330
52.39	<u>14-122</u>
52.40	SB § 300.350
52.41	SB § 300.300
52.42	SB § 300.305
52.43	<u>14-17</u>
52.44, 52.45	<u>14-124, 14-125</u>
52.46	<u>14-131</u>
52.47	<u>14-126</u>
52.48	<u>14-111</u>

52.49	<u>14-18</u>
52.50	<u>14-19</u>
52.51	SB § 300.365
52.52	<u>14-22</u>
52.53	<u>14-20</u>
52.54	<u>14-21</u>
52.55	<u>14-123</u>
52.56	SB § 300.410
52.57	<u>14-23</u>
52.58	<u>14-24</u>
52.59	<u>14-25</u>
52.60—52.62	<u>14-86</u> —14-88
52.63—52.66	<u>14-89</u> —14-92
52.67—52.70	<u>14-26</u> —14-29
52.71—52.74	<u>14-152</u> —14-155
52.75	SB § 300.440
52.76	<u>14-156</u>
52.77	SB §§ 300.445
	300.450
52.78	SB #1532
52.79	O
52.791	<u>14-158</u>
52.792	<u>14-159</u>

52.801	<u>14-161</u>
52.811	<u>14-165</u>
52.79	<u>14-157</u>
52.80—52.84	<u>14-160</u> —14-164
52.841	<u>14-165</u>
52.85	SB § 300.575
52.86	SB § 300.555
52.87	<u>14-4</u>
52.88	<u>14-5</u>
52.89	O
53.01	<u>16-1</u>
53.02	<u>16-2</u>
53.03	<u>16-5</u>
53.04	<u>16-3</u>
53.05	<u>16-4</u>
53.06	<u>16-6</u>
53.07	9-41
53.08—53.12	<u>16-7</u> —16-11
53.13	<u>16-13, 16-16</u>
53.14	<u>16-14</u>
53.15	O
53.16, 53.17	<u>16-17, 16-18</u>
53.175	<u>16-19</u>

53.18	<u>16-20</u>
53.19	<u>16-21</u>
53.20	<u>16-12</u>
53.21	<u>16-22</u>
53.22	<u>16-23</u>
53.23	<u>16-24</u>
53.24	<u>16-25, 16-26</u>
53.25	<u>16-27</u>
53.26	O
53.27	O
53.28	O
53.28, 53.49	<u>16-30</u>
53.29	<u>16-31</u>
53.295	<u>16-32</u>
53.30	<u>16-33</u>
53.31	<u>16-34</u>
53.32	<u>16-35</u>
53.33—53.35	<u>16-36—16-38</u>
53.355	<u>16-39</u>
53.36	O
53.37	O
53.38	<u>16-40</u>
53.381—53.382	<u>16-41—16-42</u>

53.385—53.387	<u>16-44</u> —16-46
53.39	<u>16-47</u>
53.40	<u>16-48</u>
53.41	<u>16-49</u>
53.42	<u>16-15</u>
53.43	<u>7-16</u>
53.44	<u>16-29</u>
53.45	<u>16-52</u>
53.46	RB #1155
53.47	<u>16-53</u>
54.01	<u>4-1</u>
54.02	<u>4-2</u>
54.03	<u>4-3</u>
54.04	<u>4-4</u>
54.05	<u>4-5</u>
54.06	<u>4-6</u>
54.07	<u>4-7</u>
54.08	<u>4-8</u>
54.09	O

CODE COMPARATIVE TABLE - ORDINANCES

This table gives the location within this Code of those ordinances adopted since the 1965 Code.

Ordinances adopted prior to such date were incorporated into the 1965 Code. This table contains some ordinances which precede the 1965 Code, but which were never included in that Code, as supplemented, for various reasons.

Legend: ql

Ordinance Number	Adoption Date	Subject	Disposition	
			Section	Section this Code
1	5-5-49	Sale of motor fuel.	RB # 72	
2	5-5-49	Penalties.		NEC
3	5-5-49	Annexation.		NEC
4	5-5-49	Elections.	I	<u>8-2</u>
			II	<u>8-4</u>
			III, IV	NEC
			VII—X, XII	NEC
			II, V, VI, XI,	
XIII—XV	O	Zoning commission board of adjustment		
5	5-10-49		1—8	26-8
			9, 11	26-9
			10, 12—16	NEC
6	6-23-49	City attorney.	RB # 580	
7	6-28-49	Annexation.		NEC
8	7-26-49	Property tax.		NEC
9	7-27-49	Tourist camps.	1—6	13-288
			7, 8	NEC

			2	<u>2-23</u>
			3	NEC
			4—6	<u>2-26—2-28</u>
			7	NEC
			8	<u>2-29</u>
			9—16	NEC
11	9-27-49	Electrical service.	1, 2	NEC
			3, 4	<u>25-48, 25-49</u>
			5	<u>25-42</u>
12	9-27-49	Water service.	1, 2	NEC
			3, 4	<u>25-48, 25-49</u>
			5	<u>25-42</u>
13	9-27-49	Gas service.	1, 2	NEC
			3, 4	<u>25-48, 25-49</u>
			5	<u>25-42</u>
14	9-27-49	Telephone service.	1, 2	NEC
			3, 4	<u>25-48, 25-49</u>
			5	<u>25-42</u>
15	9-27-49	Plumbing Code.	VII, VIII, XI	O
			I—VI, IX,	

XII—XIII	NEC	Zoning ordinance of the city.		
16	5-5-49		Art. I, §§ 1, 2	26-1
			Art. I, § 3	26-7
			Art. II	26-2
			Art. VII, § 1	<u>26-81</u>
			Art. VII, § 2	<u>26-82</u>
			Art. VII, § 3	<u>26-83</u>
			Art. VII, §§ 3, 4	<u>26-85</u>
			Art. VII, § 5	<u>26-86</u>
			Art. VII, § 6	<u>26-88</u>
			Art. VII, § 7	<u>26-89</u>
			Art. VII, § 8	<u>26-90</u>
			Art. VII, § 9	<u>26-91</u>
			Art. VII, § 10	<u>26-92</u>
			Art. VII, § 11	26-94
			Art. VII, §	26-95

			Art. VII, § 13	26-96
			Art. VII, § 14	26-97
			Art. VII, § 15	26-98
			Art. VII, § 16	26-99
			Art. VII, § 17	<u>26-102</u>
			Art. VII, § 18	<u>26-103</u>
			Art. VII, § <u>20</u>	26-100
			Art. X	26-11
			Art. XI, § 1	26-4
			Art. XI, § 2	26-5
			Art. XI, § 3	26-3
			Art. XII, § 7	26-6
17	10-25-49	Provides for removal of aldermen for failure to attend meetings and properly perform duties.	1—3	<u>2-25</u>
18	10-25-49	Prohibiting hunting in the city.	1, 2	<u>16-6</u>
			3	NEC

<u>19</u>	10-25-49	Prohibiting sale of fireworks and explosives.	1, 2	9-41
			3	<u>16-7</u>
			4	NEC
			5	<u>16-8</u>
			6	NEC
			7, 8	<u>16-9</u>
<u>20</u>	10-3-49	Regulates traffic and vehicles.	1	<u>14-1</u>
			2—5	NEC
			6	<u>14-6</u>
			7—9	NEC
			10	<u>14-49</u>
			11	NEC
			12, 13	<u>14-50</u>
			14, 15	NEC
			16	<u>14-23</u>
			17	<u>14-162</u>
			18—20	NEC
			<u>21</u>	<u>14-154</u>
			<u>22—24</u>	<u>14-155</u>
			25, 26	NEC
			27	<u>14-153</u>
			28	<u>14-156</u>

			31	<u>14-121</u>
			32—34	NEC
			35	<u>14-17</u>
			36—40	NEC
			41	<u>14-122</u>
			42—51	NEC
			52	<u>14-124</u>
			53	<u>14-125</u>
			54	<u>14-131</u>
			55	<u>14-86</u>
			56	<u>14-26</u>
				<u>14-87</u> —14-92
			57	<u>14-27</u>
			58	<u>14-18</u>
			59	<u>14-19</u>
			60, 61	NEC
			62	<u>14-51</u>
			63, 64	NEC
			65	<u>14-151</u>
			66	NEC
			67	<u>14-5</u>
			68—73	NEC

		zoning map of the City of Crestwood.		
<u>22</u>	12-27-49	Defining nuisances.	1—5	NEC
<u>23</u>	12-27-49	Provides for appointment of a committee on streets and sewers.	1—3	NEC
			4	<u>24-21</u>
			5—8	NEC
			9—11	<u>24-9</u>
			12	<u>24-53</u>
			13	<u>24-7</u>
			14	<u>24-54</u>
			15	<u>24-23</u>
			16—20	<u>24-16</u>
			<u>21</u>	NEC
			<u>22</u>	<u>24-17</u>
			<u>23</u>	<u>24-55</u>
			24	<u>24-27</u>
			25	<u>24-8</u>
			<u>26—32</u>	NEC
			33	24-6
			34—36	<u>24-56</u>
			37	<u>24-58</u>
			38, 39	<u>24-57</u>
			40	<u>24-61</u>

			43	NEC
			44—47	O
			48—50	NEC
			49, 50	<u>24-32</u>
			51	<u>24-33</u>
			52	<u>24-34</u>
			53, 54	<u>24-35</u>
			55	<u>24-36</u>
			56—60	NEC
			61—65	<u>24-38</u>
			66	NEC
24	1-10-50	Regulates morals and welfare, fining and prohibiting offenses against order and peace.	1	<u>16-13</u>
			2	<u>16-14</u>
			3	<u>16-16</u>
			4	<u>16-17</u>
			5	<u>16-20</u>
			6	<u>16-3</u>
			7	<u>16-4</u>
			8, 9	NEC
			10, 11	<u>16-36, 16-37</u>
			12, 13	<u>16-18</u>

			14, 15	NEC
			16—21	O
			<u>23</u>	<u>16-24</u>
			24, 25	<u>16-25</u>
			<u>26—28</u>	NEC
25	1-10-50	Amends Ord. No. 27-V re trailer camps.	I	<u>13-55</u>
<u>26</u>	1-10-50	Recognizing validity of certain ordinances of former Village of Crestwood and providing a system of numbering such ordinances.	1	<u>16-11</u>
			4	O
27	1-10-50	Repeals § 8 of Ord. No. 4 and reenacting the same. Requires the city clerk to keep accurate record of the qualified voters of the city.		NEC
27-V	1-28-49	Regulates the establishment and operation and maintenance of trailer camps.	1	<u>13-52, 13-59</u>
			2	NEC
			3	<u>13-55</u>
			4	NEC
			5	<u>13-57</u>
			6	<u>13-54</u>
			7	<u>13-56</u>
			8	<u>13-58</u>
			9—15	<u>13-60—13-</u>

			16	<u>13-53</u>
			17	<u>13-51</u>
28		Fixing court cost for police court.	18, 19	NEC
29		Repeals <u>§ 24</u> of Ord. No. 4 dividing city into boundaries.	RB # 612	
30	2-28-50	Provides for removal for cause shown of any elected or appointed officer of the city.	I, III—XI	<u>2-52</u>
			II	NEC
31	3-3-50	Fixing of fees, salaries, etc. of elected officers.		NEC
32	3-23-50	Regulates practice and procedure in police court.	RB # 577	
33	4-25-50	Establishing police and fire board. Repealed by Ord. No. 818		NEC
34	5-9-50	Establishes annual tax rate for 1950.		NEC
35	5-9-50	Provides for official seal of the city.	1, 2	<u>2-1</u>
36	5-9-50	Construing § 3 of Ord. No. 4 provided that appointive officers of the city becoming candidates for election for city office, resign and relinquish their appointive offices.		NEC
37	5-11-50	Repeals §§ 5 and 6 of Ord. No. 6 pertaining to the city attorney.	RB # 580	
38	5-11-50	Provides for reading of bills, numbering of bills and ordinances for reading of the minutes and providing that the minutes of all regular and special meetings of the board be included in the city journal.	1	<u>2-29</u>

			5	<u>2-27</u>
			2, 3, 6	NEC
39	5-11-50	Establishing a building code.	SB # 1824	
40	5-11-50	Electrical code.	SB # 1824	
41	5-11-50	Repeals §§ 27 and 30 of Ord. No. 23 re application for permits.		24-5
42	5-23-50	Establishes department of engineering.	1—3, 11	<u>2-60</u>
			4, 6—8	O
			9	<u>24-22</u>
			5, 10	NEC
43	6-27-50	Provides that any person or persons, firm or corporation aggrieved by any ruling or decision of any official board of city may appeal to the board of aldermen.	1—5	<u>2-31</u>
44	6-27-50	Provides for an election.	I—MXVII	NEC
45	7-25-50	Fixing dates for special taxes and general taxes being delinquent.	I—III	<u>25-3</u>
			IV—VIII	NEC
46	7-25-50	Provides for license and ad valorem tax for merchants and manufacturers.	RB # 587	
47	7-25-50	Prescribing annual tax upon various classes of merchants.	RB # 128	
48	7-25-50	Provides for impounding of personal property found on streets and sidewalks	1, 2	<u>24-11</u>

			4—6	<u>24-12</u>
			3, 7, 8	NEC
49	8-1-50	Repeals §§ 3 and 6 of Ord. No. 15 plumbing inspector.		O
50	8-1-50	Provides for appointment and qualification for challengers and watchers at city elections.	1—3, 6—8	
			10—13	O
			4	RB # 124
			9, 14	NEC
51	8-1-50	Providing that no sewer connections be made from new buildings into existing sewers until building is under roof or other satisfactory precautions to protect sewer system.	1, 2	<u>7-10</u>
			3	NEC
52	8-8-50	Granting leaves of absence to officials of the city under certain conditions.		NEC
53	8-22-50	Regulates sale of intoxicating liquor.	1	<u>5-16</u>
			2, 12, 13	<u>5-42</u>
			2, 11	<u>5-43</u>
			2	<u>5-46</u>
			3	<u>5-48</u>
			4	<u>5-18</u>
			5	<u>5-17</u>
			6	<u>5-49</u>

			8	<u>5-45</u>
			9	O
			10	<u>5-19</u>
			14	<u>5-56</u>
			15	<u>5-26</u>
			16	<u>5-20</u>
			17	<u>5-22</u>
			18	<u>5-21</u>
			<u>19</u>	<u>5-24</u>
			<u>20</u>	<u>5-55</u>
			<u>21</u>	<u>5-27</u>
			<u>22</u>	<u>5-53</u>
			<u>23</u>	<u>5-54</u>
			24	<u>5-59</u>
			25	<u>5-57</u>
			<u>26</u>	<u>5-47</u>
			27	<u>5-52</u>
			28—32	NEC
54	8-22-50	Regulates sale of nonintoxicating beer.	1	<u>5-73</u>
			2	<u>5-101</u>
			3	<u>5-109</u>
			4	<u>5-83</u>

			5	<u>5-110</u>
			6	<u>5-71</u>
			6	<u>5-75</u>
			7	NEC
			8	<u>5-76</u>
			9	<u>5-80</u>
			10	<u>5-90</u>
			11	<u>5-81</u>
			12	<u>5-114</u>
			13	<u>5-82</u>
			15	<u>5-77</u>
			16	<u>5-84</u>
			17	<u>5-115</u>
			18	<u>5-74</u>
			<u>19</u>	<u>5-78</u>
			<u>20</u>	<u>5-87</u>
			<u>21</u>	O
			<u>22</u>	<u>5-86</u>
				<u>5-89</u>
			<u>23</u>	<u>5-107</u>
			24	<u>5-113</u>
			25	<u>5-72</u>
			<u>26</u>	NEC

			27	<u>5-117</u>
			28, 29	NEC
			30	<u>5-112</u>
			31	<u>5-111</u>
55	9-25-50	Requiring that dogs be licensed.		RB # 175
56	10-24-50	Repeals specific sections of Ord. No. 22 pertains to abatement of nuisances.		NEC
57	10-24-50	Regulates keeping and maintaining of animals and fowl.		RB # 175
58	10-24-50	Defining vagrancy and fixing punishment therefor.	1	<u>16-23</u>
			2	NEC
59	12-21-50	Amends Ord. 16 re zoning.	1—4	26-10
			7	<u>26-91</u>
			5, 6—9	NEC
60	12-26-50	Amends Ord. No. 1 provides punishment for violations and penalties on delinquent taxes.	NEC	
61	12-26-50	Authorizes appointment of a city collector.	RB # 576	
62	12-26-50	Vacates easement.		NEC
63	2-2-51	Provides for removal of advertising signs exhibiting a violation of the of ordinances of the city.		RB # 618
64	2-13-51	Regulates obstructions on private property interfering with view of motorist		<u>24-14, 24-15</u>

65	2-13-51	Regulates granting special permit for advertising signs and billboards.		NEC
66	2-27-51	Learning corrupt practices at elections and prohibiting the giving or accepting of any consideration or promises for votes.	1—21	O
			<u>22</u>	NEC
67	2-27-51	Establishes annual tax rate for 1951.		RB # 73
68	2-27-51	Provides that city officials shall hold office until their successors are duly chosen and qualified.	1, 2	<u>2-47</u>
			3	<u>2-48</u>
			4—7	O
69	2-27-51	Repeals § 2 of Ord. No. 36.		R
70	3-7-51	Extension of city limits.		NEC
71	3-7-51	Regulating signs.		<u>16-35</u>
72	4-10-51	Repeals § 4 of Ord. No. 55 and also § 5, pertains to dogs.		RB # 1750
73		Repealed Ord. No. 67		R
74	4-10-51	Establishes tax rate for 1951		NEC
75	4-10-51	Declaring certain territory annexed to city.		NEC
76	4-24-51	Amends Ord. No. 33 by repealing § 3 increasing police and fire board to five members.		NEC
77	5-8-51	Provides for appointment of an agent for the city to enter into contract.		NEC
78	6-12-51	Vacating portion of street		NEC

79	6-12-51	Provides for the repair of specific avenue.	NEC	
80	6-12-51	Provides for repair of Atuck Street.	NEC	
81	6-26-51	Divides city into three wards.		NEC
82	6-26-51	Provides for conduct of special election.		RB # 1750
83	7-24-51	Requiring dogs to be inoculated.		RB # 1750
84	7-24-51	Prohibits parking along Highway 61.	RB # 321	
85	8-14-51	Fixes speed limit.		RB # 321
86	8-14-51	Amends Section 64A of Ord. No. 20 procedure for arrest.		R
87	8-28-51	Repeals § 1 Art. 12 of Ord. No. 16 zoning		R
88	8-28-51	Creates city board of health.	1—11	O
			12	NEC
89	9-11-51	Designating stop intersections.		RB # 321
90	9-11-51	Fixing speed limit on specific streets.		RB # 321
91	10-9-51	Repeals Ord. No. 15. Sec. 4 pertains to plumbing inspection fees.		R
92	11-13-51	Amends Ord. No. 16 re zoning.		R
93	11-13-51	Repeals <u>§ 19</u> Art. 7 of Ord. No. 16 approval of plats.		R
94	11-13-51	Amends Ord. No. 15 inspection fees.	I	NEC
			II	O
95	11-27-51	Requires attendance of witnesses upon subpoena.		NEC

96	1-8-52	Prohibits employment of city personnel relating by blood or marriage to elected officials of the city.	1—3	<u>2-141</u>
97	2-12-52	Provides for contract between Union Electric Company and city.	RB # 581	
98	2-12-52	Provides for time limits before and after city elections for new registrations.	RB # 581	
99	2-12-52	Provides for election of police judge in the city.	RM # 581	
100	2-26-52	Requiring public utilities to place meters inside of residences except by special permit.	RB # 822	
101	2-26-52	Vacates portion of road.	RB # 822	
102		Repealing § 6 of Ord. No. 33 re ex officio deputy marshal.	RB # 822	
103	3-11-52	Offering a standing reward for information leading to arrest and conviction of any person destroying or defacing city property.	RB # 581	
104	3-11-52	Fixing compensation of police judge.	RB # 581	
105	4-4-52	Provides for employment of council	NEC	
106	4-8-52	Establishing annual tax levy for 1952.	NEC	
107	5-27-52	Requiring candidates for election to city office file a petition signed by at least twenty-five voters of the city. Requesting that the name of the candidate be printed on the official ballot.	NEC	
108	8-12-52	Provides that newly elected officials of		<u>2-49</u>

		immediately after official count of ballots completed.		
109	8-26-52	Amends Ord. No. 16 re zoning.	NEC	
110	8-26-52	Amends Ord. No. 16 re zoning.	NEC	
111	9-9-52	Prohibits erecting of residences in certain areas of city which are not in keeping with other residences.	1—6	<u>7-12</u>
			7	NEC
112	9-9-52	Prohibits temporary residences or other structures in the city except by special permit.	1—3	<u>7-13</u>
			4	NEC
113	9-23-52	Declares it unlawful for railroad train cars to obstruct or block any public street in the city.		<u>24-13</u>
114	10-28-52	Regulating and limiting hours of operation of industrial plants.	1—6	<u>13-37</u>
			7	NEC
115	10-28-52	Prohibits use of air rifles and other missile discharging weapons.	1—3, 5	<u>16-5</u>
			4	NEC
116	10-28-52	Establishment of a crosswalk over specific road.	RB # 321	
117	12-16-52	Approves supplemental contract.	NEC	
118	12-16-52	Defining disorderly conduct.	1, 2	<u>16-12</u>
			3	NEC
119	12-16-52	Amends Ord. No. B-27.	1	<u>13-54, 13-56</u>

120	1-27-53	Repeals Ord. No. 28 and reenacting the same pertaining to cost in police court.	RB # 637	
121	1-27-53	Repeals § 3 of Ord. No. 32 relating to bail bonds.	RB # 577	
122	2-24-53	Designating stop intersection.	RB # 321	
123	2-24-53	Repealing § 5 of Ord. No. 5 notices of election.	R	
124	2-24-53	Amends Ord. No. 50 re challengers and watchers at city elections.	1	R
			2, 3	O
125	2-24-53	Amends § 1 of Ord. No. 36 re last date for filing for elective office.	NEC	
126	3-10-53	Provides for licensing of private watchmen.	1—5	O
127	4-28-53	Establishing annual tax levy for 1953.	1—5	O
128	4-28-53	Repeals Ord. No. 47 and enacting a new ordinance in lieu thereof pertaining to manufacturers and merchants.	I	<u>13-1</u>
			II	<u>13-202</u>
			III	<u>13-206</u>
			IV, VI	<u>13-230</u>
			V, VII—X	NEC
129	4-28-53	Amends Ord. No. 46 pertaining to merchants and manufacturers.	NEC	
130	4-28-53	Amends building code.	1	<u>7-9</u>
131	4-28-53	Prohibiting cats from running at large.	RB #	

132	5-12-53	Amends Ord. No. 16 re zoning.	R	
133	5-12-53	Repeals § 2 of Art. 17 of Ord. No. 16 and enacting a new section in lieu thereof pertaining to zoning.	R	
134	5-12-53	Repeals § 2 of Art. 18 of Ord. No. 16.	R	
135	5-13-53	Amends Ord. No. 16 re zoning.	1—6	NEC
136	5-12-53	Amends Ord. No. 128 by adopting a schedule as part of § 5 of said ordinance.	NEC	
137	5-19-53	An ordinance defining restaurant, itinerant restaurant, employee utensils regulates inspection and fixing penalties.	NEC	
138	5-19-53	Amends § 1 of Ord. No. 43 relating to appeals to the board of aldermen.	1	<u>2-31</u>
139	5-19-53	Amends Ord. No. 90 pertaining to fixing speed limits.	RB # 321	
140	5-26-53	Declares septic tanks, sinkholes, outhouses, privies, etc., to be a nuisance.	RB # 321	
141	6-23-53	Provides for general sewer system in city.	RB # 321	
142	7-28-53	Provides for employment of council.	RB # 321	
143	8-11-53	Designating stop intersections.	RB # 321	
144	8-11-53	Amends Art. 7 of Ord. No. 16	1	<u>26-101</u>
145	8-11-53	Provides that mileage fees of police officer shall be assessed as cost.	RB # 524	
146	9-8-53	Approves subdivision.	NEC	

		of new buildings, a provision be made to prevent earth and mud from getting on streets and sidewalks.		
			4—7	<u>7-84</u>
			8	NEC
148	10-13-53	Vacates road.		NEC
149	10-27-53	Authorizes employment of special council.	NEC	
150	11-24-53	Provides for employment of council.	NEC	
151	12-8-53	Amends Ord. No. 1 re computing of license tax for motor fuel tax sales.	NEC	
152	12-8-53	Vacates portion of avenue.	NEC	
153	12-8-53	Authorizing board of aldermen to revoke or suspend merchant's permit and special permits for cause after notice. Opportunity for public notice.	NEC	
154	12-8-53	Amends Ord. No. 16 re zoning.	NEC	
155	1-12-54	Provides for establishment of fire department.		<u>9-17, 9-19</u>
156	1-12-54	Vacates portion of avenue.	RB # 577	
157	1-26-54	Authorizes agreement.	RB # 577	
158	2-2-54	Provides for contempt of police court.	RB # 577	
159	2-9-54	Re zoning.	NEC	
160	2-9-54	Vacates portions of avenues.	NEC	
161	2-3-54	Repeals § 27 of Ord. No. 23 re application and permit for street excavations and openings.	1	24-4

162	3-9-54	Authorizes mayor to purchase land.	NEC	
163	3-9-54	Accepts provisions of Missouri Workmen's Compensation Law.	NEC	
164	3-16-54	Authorizes contract.	NEC	
165	3-16-54	Creates civil defense organization.	1—5	<u>2-65</u>
166	3-23-54	Appropriating funds.	NEC	
167		Missing		
168	3-23-54	Vacating portion of roadway.	NEC	
169	4-27-54	Amends Ord. No. 33 pertains to members of police and fire board.	NEC	
170	4-27-54	Amends Ord. No. 5 pertaining to members of zoning commission.	NEC	
171	4-27-54	Amends Ord. No. 16 re zoning.	NEC	
172	4-27-54	Provides that building commissioner shall perform duties of enforcement officer under zoning ordinance.	1	26-4
173	4-27-54	Provides for employment of council.	NEC	
174	4-27-54	Establishes annual tax levy for 1954.	NEC	
175	5-11-54	Requires bond from certain officials of the city.	1—3, 5, 7	<u>2-50</u>
			4, 6	NEC
176	6-8-54	Grants franchise for water works system.	RB # 321	
177	6-8-54	Calls for special election.	RB # 321	
178	6-8-54	Approves contract.	RB # 321	
179	6-8-54	Designating certain stop streets.	RB # 321	

		regulating emergency vehicles.		
181	7-27-54	Prohibits certain buses, trucks and commercial vehicles from using certain streets.	1—3	<u>14-29</u>
			4	NEC
182	7-27-54	Fixes salary of deputy marshal.	NEC	
183	8-10-54	Declares results of special election.	NEC	
184	8-24-54	Changing street name.	NEC	
185	9-14-54	Amends Ord. No. 11 pertaining to license tax.	NEC	
186	9-14-54	Amends Ord. No. 12 pertaining to license taxes.	NEC	
187	9-14-54	Amends Ord. No. 13 pertaining to license taxes.	NEC	
188	9-14-54	Amends Ord. No. 14 pertaining to license taxes.	NEC	
189	9-14-54	Installation of fire hydrants.	NEC	
190	9-21-54	Authorizes agreement.	NEC	
191	10-12-54	Requires bond from contractors.	1—4, 7—11	<u>2-4</u>
			6	<u>2-5</u>
			5	NEC
192	10-12-54	Orders installation of fire hydrants.	1	
193	10-12-54	Orders installation of fire hydrants.	1	
194	10-26-54	Orders installation of fire hydrants.	1	
195	10-26-54	Approves street name.	1	

		vacancies.		
197	10-26-54	Amends Ord. No. 39 re building permit fees.	1	O
198	11-23-54	Declare provisions of specific sections of Ord. No. 102 shall be applicable to deputy marshal.	RB # 468	
199	11-23-54	Provides for street paving.	RB # 321	
200	12-7-54	Clarifying Ord. No. 199 special tax for paving of specific street.	RB # 321	
201	12-7-54	Approves contract.	RB # 321	
202	12-26-54	Orders installation of fire hydrants.	RB # 321	
203	12-28-54	Orders installation of fire hydrants.	RB # 321	
204	1-25-55	Orders installation of fire hydrants.	RB # 321	
205	1-25-55	Amends Ord. No. 203 relating to installation of fire hydrants.	RB # 321	
206	1-25-55	Prohibits parking.	RB # 321	
207	1-25-55	Re zoning.	NEC	
208	2-1-55	Installation of fire hydrants.	NEC	
209	2-1-55	Amends Ord. No. 16 re zoning.	NEC	
210	2-23-55	Provides for city budget.	1	<u>2-82</u>
			2	<u>2-96</u>
			3	<u>2-97</u>
			4	NEC
			5	<u>2-100</u>
			6	<u>2-101</u>

			8	<u>2-105</u>
			9	NEC
			10	<u>2-107</u>
			11	<u>2-121</u>
			12	<u>2-122</u>
			13	<u>2-123</u>
			14	<u>2-124</u>
			15	<u>2-125</u>
			16	RB # 308, § 1
			17	O
			18	<u>2-81</u>
			<u>19</u>	NEC
211	3-22-55	Budget approved.	NEC	
212	3-22-55	Salaries.	NEC	
213	3-22-55	Salaries.	NEC	
214	3-22-55	Prescribing salaries.	NEC	
215	3-22-55	Provides for expense account for certain officers of the city.	NEC	
216	3-22-55	Prescribes who shall be deemed officers of the city and relating to employees, etc.	1	<u>2-46</u>
217	3-22-55	Declares uncovered sewer digester a nuisance.	NEC	
218	3-22-55	Orders installation of fire hydrants.	NEC	

219	3-22-55	Orders installation of fire hydrants.	NEC	
220	4-12-55	Vacates roadway.	NEC	
221	4-12-55	Provides for fire limits and building permits.	Art I, § 1	7-3
			Arts. II— XV	NEC
222	4-26-55	Repeals Ord. No. 205 amending Ord. No. 203 pertaining to installation of fire hydrants.	R	
223	5-24-55	Changes street name.	NEC	
224	5-24-55	Vacates avenues.	NEC	
225	5-24-55	Vacates avenues.	NEC	
226	5-24-55	Orders installation of fire hydrants.	NEC	
227	6-7-55	Authorizes execution of contract.	NEC	
228	6-7-55	Authorizing purchase of insecticidal fog applicator, etc.	NEC	
229	6-14-55	Orders installation of fire hydrants.	NEC	
230	6-28-55	Amends Ord. No. 16 re zoning.	NEC	
231	6-28-55	Ordering installation of fire hydrants.	NEC	
232	6-28-55	Amends Ord. No. 16 re zoning.	NEC	
233	6-28-55	Defining words and terms used in ordinances of the city.	NEC	
234	7-12-55	Re paving of specific street.	NEC	
235	7-12-55	Special tax assessment.	NEC	
236	7-12-55	Tax levy.	NEC	
237	7-12-55	Orders installation of fire hydrant	NEC	

238	7-12-55	Requires soil absorption or percolation test be made prior to installation or construction of any septic tank.	1—8	<u>21-5</u>
			9	NEC
239	7-26-55	Vacates strip of land.	NEC	
240	7-26-55	Annual tax levy for 1955.	NEC	
241	8-9-55	Provides for license and ad valorem taxes on certain businesses.	NEC	
242	8-9-55	Providing for removal and abatement of dangerous hazardous conditions.	1—7	<u>7-32</u>
			8	NEC
243	8-9-55	Regulates minors on public streets.	1—3	<u>16-40</u>
244	8-9-55	Regulates presence of minors under age of seventeen in public streets.	NEC	
245	8-23-55	Provides for employment of council.	NEC	
246	9-13-55	Amends Ord. No. 211 pertaining to appropriations.	NEC	
247	9-13-55	Installation of fire hydrants.	NEC	
248	9-13-55	Requiring side driveway excepting for corner lots.	1—4	7—11
			5	NEC
249	9-27-55	Installation of fire hydrants.	RB # 321	
250	9-27-55	Amends Ord. No. 215 expense accounts.	RBB # 321	
251	9-27-55	Designating stop intersections.	RB # 321	
252	10-11-55	Requires drivers of motor vehicles to	RB # 321	

		and unloading.		
253	10-11-55	Installation of fire hydrants.	NEC	
254	10-25-55	Installation of fire hydrants.	NEC	
255	11-8-55	Installation of fire hydrants.	NEC	
256	11-8-55	Amends Ord. No. 20 re hand signals.	1	<u>14-118</u>
257	11-8-55	Provides for service fee to be paid by subdividers for approval of plats.	1, 2	<u>26-84</u>
258	11-8-55	Amends Ord. No. 16 re zoning.	NEC	
259	11-22-55	Orders installation of fire hydrants.	NEC	
260	11-29-55	Levying special tax bills.	NEC	
261	11-29-55	Ratifying and approving contracts.	NEC	
262	12-20-55	Amends Ord. No. 54 pertaining to sale and manufacture of intoxicating beer.	1	<u>5-85, 5-102</u>
				<u>5-104, 5-105</u>
				<u>5-110, 5-116</u>
263	12-20-55	Provides for transfer of sewer system to Metropolitan St. Louis Sewer District.	RB # 581	
264	1-10-56	Orders installation of fire hydrants.	RB # 581	
265	1-10-56	Repealing § 1 of Ord. No. 99 providing for election of police judge.	RB # 581	
266	1-10-56	Repeals specific sections of Ord. No. 211 appropriations for 1956.	NEC	
267	1-10-56	Establishes method of transferring appropriations.	I	<u>2-102, 2-108</u>

			II—IV	<u>2-107</u>
268	1-10-56	Amends budget ordinance.	I	<u>2-99</u>
			II	<u>2-104</u>
269	1-10-56	Requiring display of signs.	I—VIII	<u>7-8</u>
			IX	NEC
270	1-10-56	Requires installation of temporary and permanent street signs.	I—V	<u>26-87</u>
			VI	NEC
271	2-1-56	Repealing §§ 2—5 of Ord. No. 182 re salaries.	R	
272	1-24-56	Amends Ord. No. 215 pertaining to expense accounts.	NEC	
273	1-24-56	Amends § 6 of Ord. No. 215 pertaining to salaries.	NEC	
274	1-24-56	Amends Ord. No. 53 pertaining to sale of intoxicating liquor.	1	<u>5-28, 5-44, 5-51, 5-58</u>
275	1-24-56	Amends Ord. No. 16 re zoning.	RB # 321	
276	2-14-56	Amends Ord. No. 211 re budget appropriations.	RB # 321	
277	2-21-56	Accepts proposal.	RB # 321	
278	2-28-56	Authorizes mayor to enter into contract.	RB # 321	
279	3-13-56	Approves budget for 1957.	RB # 321	
280	3-13-56	Provides for refunding certain taxes collected by the city in excess of amount.	RB # 321	
281	3-13-56	Designating Highway 66 as a through	RB # 321	

		street.		
282	3-13-56	Designating Serty Drive as a name for a particular street.	NEC	
283	3-13-56	Requiring all vehicles and trailers to register.	3	14-72
			1, 2, 4, 5	NEC
284	3-20-56	Repeals § 3 of Art. 13 of Ord. No. 221 re fire-fighting apparatus.	1	<u>9-20</u>
285	3-20-56	Amends § 1 of Art. 13 of Ord. No. 221 pertaining to right-of-way for fire vehicles.	1	<u>14-13</u>
286	3-20-56	Fees to be paid upon redemption of impounded dogs.	RB # 1750	
287	3-27-56	Repeals § 2 of Ord. No. 213 salaries.	NEC	
288	3-27-56	Repeals § 7 of Ord. No. 213 special compensation.	NEC	
289	3-27-56	Amends Ord. No. 215 salaries.	NEC	
290	3-27-56	Changing street name.	NEC	
291	4-10-56	Orders installation of fire hydrants.	NEC	
292	4-10-56	Provides for employment of council.	NEC	
293	4-17-56	Provides for employment of council.	NEC	
294	4-24-56	Authorizes execution of contract.	NEC	
295	4-24-56	Changes name of street.	NEC	
296	4-24-56	Fixing minimum thickness of nonbearing walls in residential and commercial districts.	1—3, 5	O
			4	NEC

297	4-24-56	Amends Ord. No. 252.	RB # 321	
298	4-24-56	Authorizes contract.	NEC	
299	4-24-56	Adds new section to Art. 1 of Ord. No. 279 appropriations.	NEC	
300	5-15-56	Amends Ord. No. 53 re intoxicating beer license.	1	<u>5-43</u>
			2, 3	<u>5-42</u>
301	5-15-56	Amends Ord. No. 54 re annual fee for licenses.	1	<u>5-110</u>
302	5-15-56	Re width of streets.	1—3	<u>24-1</u>
303	5-22-56	Orders installation of fire hydrants.	NEC	
304	6-12-56	Annual tax levy for 1956.	NEC	
305	6-26-56	Amends § 1 of Ord. No. 283 changing definition of trailer to exclude two-wheeled trailers.	I	14-71
306	6-26-56	Amends Ord. No. 16 re zoning.	NEC	
307	6-26-56	Amends Ord. No. 16 re zoning.	NEC	
308	6-26-56	Repeals § 16 of Ord. No. 210 pertaining to city budget.	I	<u>2-103, 2-104</u>
309	6-26-56	Authorizing city clerk to transmit money.		<u>25-2</u>
310	7-10-56	Amends § 6 of Ord. No. 215 salaries.	NEC	
311	7-24-56	Approves contract.	NEC	
312	7-24-56	Limits weight of trucks and other vehicles on certain streets.	1, 4	<u>14-28</u>
			5	NEC
313	7-24-56	Ordinance employing council	NEC	

314	7-24-56	Requires filling station drives and parking areas to be serviced.	1	NEC
			2	<u>13-92</u>
			3	NEC
			4	<u>13-89</u>
			5, 6	<u>13-94</u>
			7	NEC
			8	<u>13-83</u>
315	7-24-56	Vacates streets.	NEC	
316	7-31-56	Vacates portion of easement.	NEC	
317	7-31-56	Authorizes agreement.	NEC	
318	7-31-56	Prohibits giving false information and reports to police officers.		<u>16-27</u>
319	7-31-56	Repeals § 5 of Ord. No. 212.	NEC	
320	7-31-56	Designating sections 1 through 79 of Ord. No. 20 re traffic and motor vehicles as Art. 1.	4	<u>14-123</u>
321	7-31-56	Repeals ordinances 84, 85, 89, 90, 116, 122, 143, 179, 206, 251, 252, 281, 297.	NEC	
322	7-31-56	Amends Ord. No. 20 traffic.	1	<u>14-20</u>
323	7-31-56	Amends Ord. No. 20 traffic.	1	<u>14-112</u>
324	7-31-56	Amends Ord. No. 20 traffic.	1	<u>14-46</u>
325	7-31-56	Defining assault and assault and battery.	1	<u>16-1</u>
			2, 3	NEC

326	7-31-56	Prohibits disturbance of the peace.	NEC	
327	7-31-56	Amends Ord. No. 20 traffic.	I	<u>14-114</u>
328	9-25-56	Amends Ord. No. 214 pertaining to salaries.	NEC	
329	9-25-56	Amends Ord. No. 53 re intoxicating liquor.	I	<u>5-59</u>
330	9-25-56	Amends Art. 3 of Ord. No. 20 pertaining to crosswalks.	NEC	
331	9-25-56	Directs city engineer to acquire land.	NEC	
332	9-25-56	Amends Ord. No. 314 pertaining to filling stations, driveways, etc.	I	<u>13-92</u>
333	9-25-56	Amends Ord. No. 212 salaries.	NEC	
334	9-25-56	Repeals § 5, Ord. No. 283 providing for registration stickers to be attached to vehicles and trailers.	I	14-74
335	10-9-56	Providing for repairing and resurfacing of particular roads.	RB # 662	
336	10-9-56	Annual tax levy for 1956.	RB # 662	
337	10-9-56	Approves contract.	RB # 662	
338	10-16-58	Amends Ord. No. 212 pertaining to salaries.	RB # 662	
339	11-13-56	Re zoning.	RB # 662	
340	11-13-56	Amends Ord. No. 16 re zoning.	RB # 662	
341	11-13-56	Orders installation of additional fire hydrants.	RB # 662	
342	11-20-56	Amends Art. 1 of Ord. No. 20 traffic.	RB # 662	
343	11-20-56	Repeals Ord. No. 16 re zoning.	RB # 662	

		acquiring of money, goods, etc.		
344	11-20-56	Street lights provided for.	RB # 662	
345	11-20-56	Declares unlawful to molest any minor.	RB # 662	
346	11-20-56	Amends Ord. No. 16 re zoning.	NEC	
347	11-20-56	Requires that automatic locking doors of refrigerators be removed upon placing same in yards, porches.	1	<u>16-10</u>
			2	NEC
348	11-27-56	Repeals § 2 of Art. 17 of Ord. No. 16 re zoning.	NEC	
349	11-27-56	Re zoning.	NEC	
350		Missing.		
351	11-13-56	Approves contract.	NEC	
352	12-11-56	Amends Art. 7 of Ord. No. 16 re zoning.	I	<u>26-93</u>
353	12-11-56	Amends Ord. No. 16 re zoning.	NEC	
354	1-29-57	Amends Ord. No. 126 re private watchmen.	1, 2	O
355	2-26-57	Provides for establishing a reserve fund.	1, 3—10	<u>2-110</u>
			2	NEC
356	4-9-57	Amends Ord. No. 214 salaries	NEC	
357	4-9-57	Amends Ord. No. 182 re compensation.	NEC	
358	4-9-57	Amends Art. 1 of Ord. No. 20 pertains to traffic regulations.	R	

359	4-9-57	Vacates easements.	NEC	
360	4-30-57	Repeals § 7 of Ord. No. 213 re compensation.	R	
361	4-30-57	Amends Ord. No. 126 re private watchmen.	I	O
362	4-30-57	Amends Ord. No. 215 pertaining to expense account.	NEC	
363	4-30-57	Amends Ord. No. 20 pertaining to traffic.	1—9	<u>14-163</u>
364	4-30-57	Re procedure to be followed by fire marshal in filling impounded motor vehicles.	1—4	20-13
365	4-30-57	Amends Ord. No. 16 re zoning.	NEC	
366	4-30-57	Amends Ord. No. 20 traffic code.	NEC	
367	4-30-57	Amends Ord. No. 16 re zoning.	I	26-99
368		Amends Ord. No. 20 traffic.	1	<u>14-88</u>
369	5-21-57	Amends Ord. No. 214 salaries.	NEC	
370	5-21-57	Orders installation of fire hydrants.	NEC	
371	5-21-57	Annual tax levy for 1957.	NEC	
372	5-28-57	Amends Ord. No. 212 compensation.	NEC	
373	5-28-57	Amends Ord. No. 215 re expense accounts.	NEC	
374	6-11-57	Ordering installation of additional fire hydrants.	NEC	
375	6-18-57	Repeals § 1 of Ord. No. 148 provides for vacation of portion of street.	R	
376	6-18-57	Appointing city engineer as agent of	RB # 576	

		construction in addition to the fire house.		
377	6-25-57	Declares intention of board with respect to acquisition and maintenance of parks, playgrounds and recreational fields.	RB # 576	
378	6-25-57	Amends Ord. No. 16 re zoning.	RB # 576	
379	6-25-57	Orders installation of fire hydrants.	RB # 576	
380	6-25-57	Amends Ord. No. 61 compensation of deputy collector.	RB # 576	
381	6-25-57	Amends Ord. No. 20 re traffic regulations.	1	<u>14-14</u>
382	7-9-57	Authorizes indebtedness.	NEC	
383	7-23-57	Approves radio service agreement.	NEC	
384	7-23-57	Amends Ord. No. 126 re private watchmen.	1	O
385	7-23-57	Repeals Ord. No. 341.	NEC	
386	7-23-57	Amends Ord. No. 16 zoning.	NEC	
387	8-6-57	Approves contract.	NEC	
388	8-6-57	Amends Ord. No. 283 per registration of motor vehicles. Repealed by Ord. No. 576.		SB # 1610
389	8-6-57	Amends Ord. No. 213 re compensation.	NEC	
390	8-6-57	Re compensation of police judge.	RB # 490, 581	
391	9-10-57	Vacates portion of road.	NEC	
392	9-10-57	Repeals § 15 of Ord. No. 53 relating to	I	5-26

		liquor may be sold.		
393	9-10-57	Intends benefits of federal old age and survivor's insurance to city employees.	RB 507	
394	9-10-57	Amends Ord. No. 6 re zoning.	NEC	
395	9-24-57	Installation of fire hydrants.	NEC	
396	9-24-57	Amends Ord. No. 32 practice and procedure in police court.	RB # 577	
397	9-24-57	Amends Art. 2 of Ord. No. 20 per traffic regulations.	1	<u>14-128, 14-190</u>
398	10-8-57	Vacates easement.	NEC	
399	10-8-57	Amends Ord. No. 212 re salaries.	NEC	
400	10-8-57	Amends Ord. No. 215 expense accounts.	NEC	
401	10-8-57	Amends Ord. No. 20 re traffic.	NEC	
402	10-8-57	Establishes annual tax levy for 1957.	NEC	
403	10-22-57	Amends Ord. No. 16 re zoning.	I	<u>26-82</u>
404	10-22-57	Amends Ord. No. 20 re traffic.	I	<u>14-164</u>
405	11-12-57	Approves contract.	NEC	
406	11-12-57	Amends Ord. No. 32 re practice in police court.	RB # 577	
407	11-12-57	Repeal Ord. No. 387.	NEC	
408	11-26-57	Orders installation of fire hydrants.	NEC	
409	11-26-57	Amends Ord. No. 20 traffic regulations.	1, 2	<u>14-13</u>
410	11-26-57	Amends Ord. No. 53 pertaining to	1	5-56

411	11-26-57	Amends Ord. No. 54 pertaining to nonintoxicating beer.	1	<u>5-115</u>
412	12-10-57	Amends Ord. No. 20 regulation of traffic.	NEC	
413	12-17-57	Amends Ord. No. 53 pertaining to intoxicating liquor.	1	<u>5-54</u>
414	12-17-57	Amends Ord. No. 54 pertaining to privilege of selling non-intoxicating beer.	1	<u>5-112</u>
415	12-17-57	Approves contract.	NEC	
416	1-14-58	Orders installation of fire hydrants.	NEC	
417	1-28-58	Amends Ord. No. 128 by adopting schedule providing for licensing of bowling alleys.	1	used
			2	NGA
418	1-28-58	Amends Ord. No. 16 re zoning.	NEC	
419	2-11-58	Amends Ord. No. 213 re salaries.	NEC	
420	2-11-58	Repeals Ord. No. 81.	RB # 613	
421	2-25-58	Amends Ord. No. 215 pertaining to expense accounts.	NEC	
422	3-11-58	Provides for rat control.	1—16	used
			17	NEC
423	3-11-58	Amends Ord. No. 16 re zoning.	NEC	
424	3-11-58	Provides for board of aldermen to issue and approve permit and licenses.	1	<u>13-19</u>
			2	NEC

425	3-11-58	Ordering installation of three additional fire hydrants.	NEC	
426	3-11-58	Provides for regulating licensing and taxing of vending and other coin-operated machines.	SB # 189	
427	3-18-58	Vacates portion of avenue.	NEC	
428	3-18-58	Provides for inspection during construction of private streets.	RB # 445	
429	3-25-58	Vacates avenue.	NEC	
430	3-25-58	Declares necessity of acquiring a strip of land.	NEC	
431	3-25-58	Amends Art. 8 of Ord. No. 16	1, 2	NGA
432	3-25-58	Vacates avenues	NEC	
433	3-25-58	Amends Ord. No. 4 re city elections.	NEC	
434	3-25-58	Repeals Ord. No. 36.	R	
435	4-8-58	Provides for employment of Council.	NEC	
436	4-8-58	Amends Ord. No. 16.	NEC	
437	4-8-58	Amends Ord. No. 16	1, 2	
438	4-8-58	Amends Ord. No. 16 zoning.	NEC	
439	4-22-58	Amends Ord. No. 420	NEC	
440	4-22-58	Orders installation of fire hydrants.	NEC	
441	4-29-58	Repeals § 4 of Ord. No. 428 this ordinance is repealed by Ord. No. 445.	R	
442	4-29-58	Orders installation of additional fire hydrants.	NEC	
443	5-12-58	Decreases liability under certain	NEC	

		contracts.		
444	6-3-58	Provides for inspection during construction of certain private streets and sidewalks of certain public streets.	1—3	NEC
			4—7	<u>24-3</u>
			8	NEC
			9, 10	<u>24-3</u>
			11	NEC
445	6-3-58	Repeals Ord. No. 428.	R	
446	6-3-58	Repeals Ord. No. 441.	R	
447	6-3-58	Regulates carrying passengers in buses.	1—5	<u>14-21</u>
			6	NEC
448	6-17-58	Amends Ord. No. 215 pertaining to expense accounts.	NEC	
449	6-17-58	Repeals § 3 of Ord. No. 456 and reenacting § 3 pertaining to permit for vending and coin-operated machines.	SB # 1879	
450	6-20-58	Establishes tax levy for 1958.	NEC	
451	7-1-58	Amends Art. 1 of Ord. No. 20 pertaining to traffic regulations.	1	<u>14-111</u>
452	7-1-58	Amends Ord. No. 9 pertaining to registration of motels, tourist courts.	1	<u>13-228</u>
453	7-1-58	Amends Ord. No. 214 re salaries.	NEC	
454	7-8-58	Amends Ord. No. 20 repealing § 66 of Art. 1 pertaining to traffic.	NEC	

		pertaining to traffic.		
456	7-8-58	Repeals § 6 of Art. 8 of Ord. No. 16 and re-enacts the same.	R	
457	7-8-58	Amends Ord. No. 182 re compensation.	NEC	
458	7-29-58	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
459	7-29-58	Regulates collection of rubbish and garbage.	NEC	
460	7-29-58	Orders installation of fire hydrants.	NEC	
461	8-12-58	Amends Ord. No. 20 pertaining to traffic.	1	<u>14-160</u>
462	9-9-58	Amends Ord. No. 102 as amended pertaining to police force.	NEC	
463	9-9-58	Amends Ord. No. 213 re salaries.	NEC	
464	9-16-58	Amends Ord. No. 214 re salaries.	NEC	
465	9-9-58	Abolishes office of deputy marshal.	NEC	
466	9-16-58	Salaries.	1—3, 5, 6	NEC
			4, 7, 8	O
467	9-16-58	Repeals Ord. No. 182.	R	
468	9-9-58	Repeals § 1 of Ord. No. 198.	R	
469	9-9-58	Amends Ord. No. 215 pertaining to expense account.	NEC	
470	9-23-58	Amends Ord. No. 16 re zoning.	NEC	
471	9-23-58	Amends Ord. No. 31 re salaries.	NEC	

473	10-8-58	Authorizes zoning commission to approve final plat.	NEC	
474	10-14-58	Amends Ord. No. 16 re zoning.	NEC	
475	10-14-58	Establishing annual tax levy for 1958.	NEC	
476	10-14-58	Amends Ord. No. 6 re zoning.	NEC	
477	10-14-58	Prohibits defrauding of an inn keeper or merchant.	1, 2	<u>16-33</u>
			3	NEC
478	10-14-58	Prohibits giving of bad checks.	NEC	
479	10-14-58	Amends Ord. No. 20 pertaining to traffic.	1	<u>14-126</u>
480	10-28-58	Orders installation of fire hydrants.	NEC	
481	10-28-58	Amends Ord. No. 16 re zoning.	NEC	
482	11-18-58	Amends Ord. No. 16.	NEC	
483	11-18-58	Grants city engineer or building commission authority to deny application for building excavation, electrical, or occupancy or plumbing permit for failure to comply with building code.	1—3	<u>7-6</u>
484	11-18-58	Franchise with Union Electric Co.	NEC	
485	11-18-58	Provides for submission to voters for a special election or proposition pertaining to franchise.	NEC	
486	11-18-58	Regulates electrical lighted signs.	NEC	
487	11-25-58	Requires notice to chief of police in advance of certain public gatherings.	1—4	<u>16-21</u>

			5	NEC
488	11-25-58	Amends Ord. No. 104 pertaining to police in police court.	RB # 577	
489	11-25-58	Amends Ord. No. 32 re procedure in police court.	RB # 577	
490	11-25-58	Amends Ord. No. 212 re salaries.	NEC	
491	12-9-58	Amends Ord. No. 213 re salaries.	NEC	
492	12-9-58	Amends Ord. No. 215 re expense accounts.	NEC	
493	12-23-58	Declares result of election.	NEC	
494	12-23-58	Vacates streets.	NEC	
495	12-23-58	Amends Ord. No. 466 pertaining to salaries.	NEC	
496	12-23-58	Approves contract.	NEC	
497	1-13-59	Authorizes land conveyance.	NEC	
498	1-27-59	Provides for holding a special election.	NEC	
499	1-27-59	Provides for holding a special election.	NEC	
500	3-3-59	Provides for extension of city limits.	NEC	
501	3-3-59	Orders installation of fire hydrants.	NEC	
502	3-3-59	Prohibits willful reckless, wanton or unlawful acts resulting in death or injury to persons.	1	<u>16-2</u>
503	3-10-59	Authorizes mayor to enter into contract.	NEC	
504	3-10-59	Regulating mechanical amusement	SB #	

505	3-10-59	Amends Ord. No. 55 regulating dogs and cats.	RB # 1950	
506	3-24-59	Establishing annual tax levy for 1959.	NEC	
507	3-31-59	Repeals Ord. No. 393.	R	
508	4-14-59	Declares result of election pertaining to annexation.	NEC	
509	4-14-59	Amends Ord. No. 215 relating to expense accounts.	NEC	
510	4-14-59	Amends Ord. No. 212 pertaining to salaries.	NEC	
511	4-14-59	Repeals specific sections of Ord. No. 214 pertaining to salaries.	NEC	
512	4-21-59	Amends Ord. No. 212 pertaining to salaries.	NEC	
513	4-21-59	Amends Ord. No. 147 pertains to elimination of dirt and mud in streets.	1	NEC
			2	<u>7-88</u>
514	4-28-59	Office of license collector.	1, 2, 4, 7, 12	NEC
			3, 5, 6, 8 —11	<u>2-58</u>
515	5-5-59	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
516	5-5-59	Amends Ord. No. 215 pertaining to expense account.	NEC	
517	5-5-59	Amends Ord. No. 212 re salaries.	NEC	
518	5-5-59	Amends Ord. No. 212 re salaries.	NEC	
519	5-5-59	Amends Ord. No. 215 re expense	NEC	

		accounts.		
520	5-5-59	Amends Ord. No. 215 pertaining to expense accounts.	NEC	
521	5-12-59	Re tenure of office of full time appointed officials of city.	1—6	<u>2-145</u>
522	5-12-59	Amends Ord. No. 120 pertaining to police court cost.	RB # 577	
523	5-12-59	Amends Ord. No. 32 pertaining to practice and procedure in police court.	RB # 577	
524	5-12-59	Repeals Ord. No. 145.	R	
525	5-19-59	Authorizes contract.	NEC	
526	6-9-59	Amends Ord. No. 23 pertaining to streets and sewers.	1	<u>24-26</u>
527	6-9-59	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
528	6-8-59	Orders installation of fire hydrants.	NEC	
529	7-14-59	Orders installation of fire hydrants.	NEC	
530	7-21-59	Authorizes contract.	NEC	
531	7-28-59	Orders installation of fire hydrants.	NEC	
532	7-28-59	Amends Ord. No. 212 re salaries.	NEC	
533	7-28-59	Amends Ord. No. 215 re salaries.	NEC	
534	8-25-59	Changes street name.	NEC	
535	8-25-59	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
536	9-8-59	Amends Ord. No. 214 re salaries.	NEC	
537	9-8-59	Amends Ord. No. 212 re salaries.	NEC	

538	9-8-59	Amends Ord. No. 466 re salaries.	NEC	
539		Amends Ord. No. 46 pertaining to merchants and manufactures licenses.	NEC	
540	9-8-59	Orders installation of fire hydrants.	NEC	
541	9-15-59	Orders installation of fire hydrants.	NEC	
542	9-22-59	Amends Ord. No. 16 zoning.	NEC	
543	9-22-59	Amends Ord. No. 16 zoning.	NEC	
544	9-29-59	Approves contract.	NEC	
545	10-13-59	Amends Ord. No. 216.	NEC	
546	10-13-59	Special Permit.	NEC	
547	10-27-59	Amends Ord. No. 466 re salaries.	NEC	
548	10-27-59	Amends Ord. No. 215 pertaining to expense account.	NEC	
549	10-27-59	Vacates avenues.	NEC	
550	10-27-59	Amends Ord. No. 16 re zoning.	NEC	
551	10-27-59	Establishes tax levy for 1959.	NEC	
552	10-27-59	Establishes park board.	NEC	
553	11-10-59	Authorizes contract.		
554	11-10-59	Amends Ord. No. 46 pertaining to merchants and manufacturers taxes and licenses.	NEC	
555	12-22-59	Approves contract.	NEC	
556	12-22-59	Amends Ord. No. 16 re zoning.	NEC	
557	12-22-59	Requires collector to keep	NEC	

		property subject to taxation.		
558	12-22-59	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
559	1-12-60	Authorizes contract.	NEC	
560	1-12-60	Amends Ord. No. 16 re zoning.	NEC	
561	1-12-60	Orders installation of fire hydrants.	NEC	
562	1-12-60	Regulating canvassers and solicitors, etc.	NEC	
563		Missing		
564		Missing		
565	2-9-60	Authorizes contract.	NEC	
566	2-23-60	Provides for penalty for violating ordinances of city.	NEC	
567	3-1-60	Amends Ord. No. 16 re zoning.	NEC	
568	3-22-60	Approves contract.	NEC	
569	4-12-60	Amends Ord. No. 16 re zoning.	NEC	
570	4-12-60	Amends Ord. No. 466 re salaries.	NEC	
571	4-12-60	Amends Ord. No. 214 re salaries.	NEC	
572	4-19-60	Amends Ord. No. 20 pertaining to traffic regulations.	1	<u>14-24</u>
573	4-19-60	Provides for adopting of seal for the police court.	1	O
574	4-19-60	Designating official street names.	NEC	
575	4-19-60	Amends Ord. No. 20 pertaining to traffic regulations.	1	NGA

				152
576	4-19-60	Repeals Ordinances numbered 61 and 380.	R	
577	4-19-60	Provides for rule of practice and procedure in the police courts.	1—61	O
578	4-19-60	Provides for employment of counsel for the city for a period of two years.	NEC	
579	4-26-60	Creates office of clerk of police court.	NEC	
580	4-26-60	Repeal Ord. 6 enacting a new ordinance providing for employment of the city counselor.	RB # 14	
581	4-26-60	Creates office of police judge.	NEC	
582	4-26-60	An ordinance establishing annual rate of tax levy for 1960.	NEC	
583	5-10-60	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
584	5-10-60	Amends Ord. No. 128 re license taxes.	NEC	
585	5-10-60	Authorizes specific individual to act as special deputy collector.	NEC	
586	5-10-60	Amends Ord. 45 pertaining to delinquent taxes.	NEC	
587	5-17-60	Provides for taxing and licensing of merchants.	NEC	
588	5-24-60	Requiring that dog in the city be inoculated against rabies.	RB # 175	
589	6-14-60	Amends Ord. No. 16 zoning.	NEC	
590	6-14-60	Authorizes agreement.	NEC	
591	6-21-60	Authorizes contract	NEC	

592	6-28-60	Amends Ord. No. 60 re zoning.	NEC	
593	6-28-60	Amends Ord. No. 16 re zoning.	NEC	
594	6-12-60	Authorizes contract.	NEC	
595	7-12-60	Authorizes contract.	NEC	
596	7-12-60	Amends Ord. No. 33 pertaining to police and fire board.	NEC	
597	8-2-60	Establishes annual tax levy for 1960.	NEC	
598	8-2-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
599	8-2-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
600	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
601	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	3	<u>13-32</u>
602	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
603	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
604	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
605	9-20-60	Waivers prohibition against more	NEC	

		one twenty-four hour period.		
606	9-20-60	Amends Ord. No. 599 grants special permit.	NEC	
607	9-20-60	Waivers prohibition against more than one regular working shift within one twenty-four hour period.	NEC	
608	9-20-60	Amends Ord. No. 114 pertaining to working hours of industrial plant.	1	<u>13-37</u>
609	9-20-60	Provides for installation of fire hydrants.	NEC	
610	9-20-60	Amends Ord. No. 587 pertaining to licensing of merchants.	NEC	
611	9-20-60	Amends Ord. No. 4 pertaining to city elections.	1, 3—5, 7—10, 12—14	NEC
			2	<u>8-6</u>
			6	<u>8-8</u>
			11	<u>8-2</u>
612	9-20-60	Repeals Ord. No. 29.	R	
613	9-20-60	Repeals Ord. No. 420.	R	
614	9-20-60	Repeals Ord. No. 98.	R	
615	9-20-60	Defines word misdemeanor as used in ordinances of the city.	NEC	
616	9-20-60	Provides for lighting and electricity for streets.	NEC	
617	9-27-60	Vacates avenues.	NEC	
618	9-27-60	Regulating and installing removal of signs.	NEC	

619	10-18-60	Provides for rules of procedure in vacating streets.	1, 2	<u>24-29</u>
			3—6	24-30
			7, 8	<u>24-31</u>
620	10-18-60	Amends Ord. No. 20 re traffic regulations.	NEC	
621	10-18-60	Amends Ord. No. 214 re salaries.	NEC	
622	10-25-60	Amends Ord. No. 16 re zoning.	NEC	
623	10-25-60	Establishes annual tax levy for 1960.	NEC	
624	10-25-60	Authorizes installation of fire hydrants.	NEC	
625	10-25-60	Amends Ord. No. 214 re salaries.	NEC	
626	10-25-60	Limiting use of septic tanks.	1	<u>21-3</u>
			2, 3	<u>21-1</u>
			4—6	<u>21-2</u>
			7	<u>21-4</u>
			8	NEC
627	11-1-60	Amends Ord. No. 102 pertaining to police force.	1	<u>20-9</u>
628	11-15-60	Amends Ord. No. 16 re zoning.	NEC	
629	11-15-60	Amends zoning ordinance by adding a new section.	SB # 1531	
630	11-22-60	Amends Ord. No. 20 pertaining to traffic.	NEC	
631	11-22-60	Designating official name of newly constructed street.	NEC	

		extend all eligible employees and officials of the benefits of the system of federal old age and survivor's insurance.		
633	1-27-60	Approves contract.	NEC	
634	12-28-60	Amends Ord. No. 20 pertaining to traffic.	NEC	
635	1-10-61	Provides for city to enter into contract.	NEC	
636	1-10-61	Provides for contract.	NEC	
637	1-10-61	Repealing Ord. No. 120 pertaining to cost of police court.	R	
638	1-10-61	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
639	1-10-61	Amends Ord. No. 35 pertaining to official seal.	1	<u>2-1</u>
640	1-24-61	Amends Ord. No. 466 re salaries.	NEC	
641	1-24-61	Authorizes contract.	NEC	
642	2-14-61	Provides for light tight fences in E local business district.	SB # 1531	
643	2-21-61	Provides regulations for auctions and auctioneers.	1, 2	<u>13-136</u>
			3, 4	<u>13-137</u>
			5	<u>13-138</u>
			6	<u>13-142</u>
			7	<u>13-139</u>
			8, 12	<u>13-145</u>

			10	<u>13-144</u>
			11	<u>13-143</u>
			13	<u>13-141</u>
			14, 15	NEC
644	2-21-61	Authorizes installation of fire hydrants.	NEC	
645	2-21-61	Amends Ord. No. 459 pertaining to collection of rubbish and garbage by independent contractor.	NEC	
646	2-21-61	Regulates filling stations.	1	<u>13-81</u>
			2	<u>13-82</u>
			3, 6	<u>13-84</u>
			4	<u>13-85</u>
			5	<u>13-86</u>
			7	<u>13-87</u>
			9—11	<u>13-88—13-90</u>
			14	<u>13-91</u>
			8, 13, 15	NEC
647	2-21-61	Creates department of administration.	1—9	<u>2-53</u>
648	3-7-61	Approves contract.	NEC	
649	3-14-61	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
650	3-28-61	Orders installation of fire hvdtrants.	NEC	

651	3-28-61	Orders installation of fire hydrants.	NEC	
652	3-28-61	Provides for installation of fire hydrants.	NEC	
653	3-28-61	Amends Ord. No. 23 as amended pertaining to streets and sidewalks.	1	24-6
654	4-18-61	Amends Ord. No. 16 re zoning.	NEC	
655	5-16-61	Approves contract.	NEC	
656	5-16-61	Orders installation of fire hydrants.	NEC	
657	5-16-61	Amends Ord. No. 20 pertaining to traffic.	NEC	
658	5-16-61	Amends Ord. No. 466 as amended re salaries.	NEC	
659	5-16-61	Provides for acquisition of land.	NEC	
660	5-16-61	Amends Ord. No. 16 re zoning.	SB # 1531	
661	5-16-61	Regulates certain businesses and business activities.	1	NEC
			2	<u>13-29</u>
			3	NEC
			4	<u>13-33</u>
			5	<u>13-34</u>
			6	<u>13-31</u>
			7	<u>13-30</u>
			8—10	NEC
662	5-16-61	Declares it unlawful to molest any	1	<u>16-47</u>

			2, 3	<u>16-48</u>
663	5-23-61	Approves contract.	NEC	
664	6-27-61	Establishes annual tax levy for 1961.	NEC	
665	6-27-61	Orders installation of fire hydrants.	NEC	
666	7-11-61	Provides for holding special election.	NEC	
667	7-11-61	Repeals Ord. No. 665.	R	
668	7-11-61	Orders installation of fire hydrants.	NEC	
669	7-11-61	Approves contract.	NEC	
670	8-1-61	Authorizes mayor to enter into contract.	NEC	
671	8-1-61	Amends Ord. No. 210 pertaining to city budget.	1	1-82
			2	2-95
			3	<u>2-101</u>
			4	<u>2-104</u>
			5	<u>2-98</u>
672	8-1-61	Accepts proposal.	NEC	
673	8-1-61	Amends Ord. No. 478 pertaining to bad checks.	NEC	
674	8-1-61	Amends Ord. No. 267 providing for method of transferring appropriations.	(No. 1)	<u>2-103</u>
675	8-1-61	Regulates and controls design equipment and operation of swimming pools.	NEC	

677	9-12-61	Amends Ord. No. 16 re zoning.	NEC	
678	10-3-61	Direct issuance of bonds.	NEC	
679	10-3-61	Vacates avenue.	NEC	
680	10-10-61	Amends Ord. No. 661 re regulation of certain businesses.	NEC	
681	10-10-61	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
682	10-10-61	Orders installation of fire hydrants.	NEC	
683	10-10-61	Authorizing official to have authority to issue permits.	1—3	<u>7-7</u>
684	10-24-61	Amends Ord. No. 16 re zoning.	NEC	
685	1-20-61	Authorizes subdivision of tract of land.	NEC	
686	11-14-61	Regulates grading.	1	NEC
			2, 3	<u>7-81, 7-82</u>
			4—6	<u>7-85—7-87</u>
			7	<u>7-83</u>
			8	NEC
687	12-12-61	Amends Ord. No. 210 pertaining to city budget.	1	20-97
			2	NEC
			3	<u>2-102</u>
			4	<u>2-105</u>
			5	<u>2-107</u>
			6	<u>2-109</u>

			7	2-127
688	1-9-62	Amends Ord. No. 165 pertaining to civil defense.		<u>2-65</u>
689	1-9-62	Creates civil defense organization.	1—11	<u>2-65</u>
690	1-9-62	Authorizing chairman of zoning commission to enter into negotiation.	NEC	
691	1-16-62	Amends Ord. No. 16 re zoning.	NEC	
692	1-16-62	Provides special permit.	NEC	
693	1-16-62	Provides for submission to voters proposition to authorize board of aldermen to provide by ordinance for the appointment of a collector passed at election of April 3, 1962.	NEC	
694	1-23-62	Amends Ord. No. 16 re zoning.	NEC	
695	1-23-62	Special permit.	NEC	
696		Missing		
697	1-23-62	Vacates easement.	NEC	
698	1-23-62	Provides for submission to voters of the city proposition to abolish the office of city marshal.	NEC	
699	1-30-62	Amends Ord. No. 16 re zoning.	1, 2	NGA
700	2-13-62	Amends Ord. No. 20 re traffic.	2	<u>14-11</u>
701	2-27-62	Amends Ord. No. 16 re zoning	1	NEC
702	3-13-62	Amends Ord. No. 67 pertaining to taxing and licensing of merchants.	NEC	
703	3-20-62	Grants easement.	NEC	
704	4-10-62	Provides for employment of counsel.	NEC	

705	4-17-62	Declares results of an election, declares office of marshal abolished.	NEC	
706	4-17-62	Results of election of April 3, 1962.	NEC	
707	4-17-62	Provides of an appointment of a collector of the city.	1, 3, 4	<u>2-57</u>
			2	<u>2-59</u>
708	4-17-62	Amends Ord. No. 215 pertaining to expense account, etc., of chief of police.	NEC	
709	4-17-62	Amends Ord. No. 314 pertaining to license collector.	1	<u>2-57</u>
710	4-17-62	Amends Ord. No. 216 pertaining to officers and employees of the city.	1	<u>2-46</u>
711	4-17-62	Amends Ord. No. 214 pertaining to salaries.	NEC	
712	4-17-62	Amends Ord. No. 213 pertaining to salaries.	NEC	
713	4-17-62	Repeals Ord. No. 465 pertaining to deputy marshals.	R	
714	4-17-62	Repeals Ord. No. 102 as amended providing for ex officio deputy marshals.	R	
715	4-17-62	Amends Ord. No. 12 pertaining to salaries.	NEC	
716	4-17-62	Amends Ord. No. 212 re compensation.	NEC	
717	4-17-62	Establishing police force providing for supervision of police force.	1, 2, 7— 11	<u>20-2</u>
			3	<u>20-4</u>

			12	<u>20-7</u>
			13	NEC
			14	<u>20-8</u>
			15	NEC
718	4-17-62	Amends Ord. No. 33 pertaining to police and fire board.	NEC	
719	4-17-62	Provides for size of police force of the city.	1—4	NEC
			5	O
			6	<u>20-6</u>
			7	NEC
720	4-17-62	Amends Ord. No. 552 pertaining to park board.	NEC	
721	4-17-62	Provides for installation of fire hydrants.	NEC	
722	4-24-62	Provides for installation of fire hydrants.	NEC	
723	5-1-62	Amends Ord. No. 241 providing for license and ad valorem tax.	NEC	
724	5-1-62	Amends Ord. No. 4 relating to city elections.	1	O
725	5-1-62	Pertaining to deposit of funds of city.	1—6	<u>2-83</u>
			7	NEC
			8—12	<u>2-83</u>
726	5-1-62	Amends Ord. No. 4 pertaining to city elections.	1	<u>8-8</u>

727	5-1-62	Repeals Ord. No. 1 pertaining to licensing of sales of motor fuel.	R	
728	5-1-62	Amends Ord. No. 214 pertaining to salaries.	NEC	
729	5-1-62	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
730	5-1-62	Amends Ord. No. 20 pertaining to traffic regulations.	1, 2	<u>14-164</u>
731	5-15-62	Amends Ord. No. V-27 pertaining to trailer camps.	NEC	
732	5-15-62	Amends Ord. No. 88 pertaining to board of health.	1	O
733	5-15-62	Amends Ord. No. 212 re compensation.	NEC	
734	5-22-62	Establishes annual tax rate for 1962.	NEC	
735	6-12-62	Authorizes city engineer to execute contract.	NEC	
736	6-12-62	Provides for installation of fire hydrants.	NEC	
737	6-12-62	Provides for installation of fire hydrants.	NEC	
738	6-12-62	Provides for duties of police and firemen in handling crowds and large gatherings of persons.		<u>20-14</u>
739	6-26-62	Authorizing mayor to execute and deliver conveyances for easements.	NEC	
740	7-24-62	Provides for licensing and taxing banks.	1—5	NEC
741	7-24-62	Amends Ord. No. 416 pertaining to salaries	NEC	

742	7-24-62	Amends Ord. No. 212 as amended re compensation.	NEC	
743	7-24-62	Amends Ord. No. 215 pertaining to expense account for officers.	NEC	
744	8-14-62	Provides for installation of fire hydrants.	NEC	
745	8-26-62	Approves contract.	NEC	
746	9-25-62	Orders installation of fire hydrants.	NEC	
747	10-9-62	Establishes tax levy for 1962.	NEC	
748	10-9-62	Fixing time for payment of annual license fees providing penalty for delinquent fees.	1—3	<u>13-18</u>
			4	NEC
749	10-30-62	Approves contract.	NEC	
750	11-13-62	Orders installation of fire hydrants.	NEC	
751	11-27-62	Amends Ord. No. 20 pertaining to traffic.	NEC	
752	12-11-62	Amends Ord. No. 16 pertaining to zoning.	NEC	
753	12-11-62	Vacates portion of easement.	NEC	
754	12-11-62	Repeals § 7 of Ord. No. 155 pertaining to fire department.	R	
755	12-11-62	Approves contract.	NEC	
756	1-12-63	Orders installation of fire hydrants.	NEC	
757	1-22-63	Amends Ord. No. 214 pertaining to salaries.	NEC	

		pertaining to salaries.		
759	1-22-63	Vacates portion of easement.	NEC	
760	1-22-63	Amends Ord. No. 212 re compensation.	NEC	
761	1-22-63	Prohibits annoyance of persons through improper use of telephone.	1, 2	NEC
762	1-22-63	Amends Ord. No. 212 re compensation.	NEC	
763	2-12-63	Vacates portion of easements.	NEC	
764	3-19-63	Approves contract.	NEC	
765	3-26-63	Prohibits use of carbon tetrachloride and other poisonous chemicals in fire extinguishers.	NEC	
766	4-23-63	Provides for salary continuation insurance for certain employees.	NEC	
767	4-23-63	Amends Ord. No. 20 pertaining to traffic.	1	<u>14-130</u>
768	4-23-63	Declares policy of city with respect to providing certain protection and benefits to employees.	1	<u>2-143</u>
769	4-23-63	Provides that all vending and coin-operated machines, tables, devices, etc., shall display a sticker or plastic plate showing the name of the owner thereof.	SB # 187	
770	4-23-63	Amends Ord. No. 20 pertaining to traffic.	NEC	
771	5-14-63	Orders installation of fire hydrants.	NEC	
772	5-14-63	Orders installation of fire hydrants.	NEC	

773	5-14-63	Annual tax levy for 1983.	NEC	
774	6-11-63	Approves contract.	NEC	
775	6-11-63	Approves contract.	NEC	
776	6-25-63	Orders installation of fire hydrants.	NEC	
777	6-25-63	Amends Ord. No. 552 as amended pertaining to park board.	NEC	
778	6-25-63	Changing street name.	NEC	
779	8-13-63	Orders installation of fire hydrants.	NEC	
780	8-27-63	Granting easement.	NEC	
781	8-27-63	Grants easement.	NEC	
782	8-27-63	Regulates conduct in public parks.	NEC	
783	8-27-63	Amends Ord. No. 20 pertaining to traffic.	NEC	
784	8-27-63	Amends Ord. No. 478 as amended pertaining to bad checks.	NEC	
785	9-10-63	Approves contract.	NEC	
786	9-10-63	Approves contract.	NEC	
787	9-10-63	Approves contract.	NEC	
788	9-10-63	Approves contract.	NEC	
789	9-24-63	Approves contract.	NEC	
790	10-8-63	Established annual tax levy for 1963.	NEC	
791	10-8-63	Amends Ord. No. 20 pertaining to traffic.	NEC	
792	10-8-63	Grants special permit.	NEC	
793	10-8-63	Amends Ord. No. 20 pertaining to	NFC	

794	10-22-63	Grants special permit.	NEC	
795	10-22-63	Approves plat.	NEC	
796	10-22-63	Approves plat.	NEC	
797	10-22-63	Orders installation of fire hydrant.	NEC	
798	11-12-63	Approves plat.	NEC	
799	11-26-63	Approves contract.	NEC	
800	11-26-63	Establishes system of weights and measures for city.	O	
801	11-26-63	Provides for construction of foot sidewalk.	NEC	
802	1-14-64	Amends Ord. No. 16 re zoning.	NEC	
803	1-14-64	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
804	1-14-64	Authorizing contract.	NEC	
805	1-14-64	Amends Ord. No. 214 as amended pertaining to compensation.	NEC	
806	1-14-64	Amends Ord. No. 212 pertaining to compensation.	NEC	
807	1-28-64	Amends Ord. No. 4 as amended pertaining to election.	1	NEC
			2, 3	O
808	1-28-64	Amends Ord. No. 54 as amended pertaining to nonintoxicating beer.	1	<u>5-88</u>
809	1-28-64	Amends Ord. No. 53 as amended pertaining to intoxicating liquor.	1, 2	<u>5-23</u>
810	2-25-64	Amends Ord. No. 4 as amended pertaining to city election.	NEC	

811	3-24-64	Accepts bid.	NEC	
812	4-14-64	Provides for installation of fire hydrants.	NEC	
813	4-28-64	Provides for employment for counsel.	NEC	
814	4-28-64	Amends Ord. No. 5 as amended pertaining to zoning commission.	SB # 1531	
815	4-28-64	Orders installation of fire hydrants.	NEC	
816	4-28-64	Amends Ord. No. 314 as amended regulating filling station drives and parking areas.	1	<u>13-93</u>
817	5-5-64	Provides for improvement of specific street.	NEC	
818	5-5-64	Repeals Ord. No. 33 as amended pertaining to police and fire board.	R	
819	5-5-64	Creates fire board.	NEC	
820	5-5-64	Creates police board.	NEC	
821	5-5-64	Pertains to chief of police and police department.	1	NEC
			2	<u>20-10</u>
			3—6	O
822	5-5-64	Repeals Ord. No. 102 as amended re ex officio deputy marshal.	R	
823	5-5-64	Construes the use of words "police" and "fire" board in certain ordinances of the city.	NEC	
824	5-26-64	Authorizes agreement.	NEC	
825	5-26-64	Annual tax levy for 1964.	NEC	

827	6-23-64	Orders installation of fire hydrants.	NEC	
828	6-23-64	Provides of school crossing guards.	<u>1-7</u>	<u>14-16</u>
		8	NEC	
829	7-20-64	Amends Ord. No. 212 re compensation.	NEC	
830	7-20-64	Approves bid.	NEC	
831	7-20-64	Special use permit.	NEC	
832	7-20-64	Provides for construction of sidewalks.	1, 2	<u>24-52</u>
			3, 4	<u>24-51</u>
833	8-11-64	Employees specific individual.	NEC	
834	8-25-64	Accepts bid.	NEC	
835	8-25-64	Provides for the construction of sidewalks.	1, 2	NEC
			3, 4	<u>24-51</u>
836	9-8-64	Special use permit.	NEC	
837	9-3-64	Vacates portion of easement.	NEC	
838	10-13-64	Amends Ord. No. 5 re zoning commission.	SB # 1531	
839	10-13-64	Authorizes mayor to enter into contract.	NEC	
840	10-13-64	Special use permit.	NEC	
841	10-13-64	Amends Ord. No. 20 pertaining to traffic.	NEC	
842	10-13-64	Amends Ord. No. 221 known as fire code.	NEC	

843	11-10-64	Swimming pool regulations.	1—11	O
			12	NEC
844	11-10-64	Annual tax levy for 1964.	NEC	
845	12-8-64	Amends Ord. No. 16 re zoning.	SB # 15	
846	12-8-64	Re zoning.	NEC	
847	12-8-64	Grants special use permit.	NEC	
848	1-12-65	Declares two lots and buildings thereon in a specific area outside the fire limits.	NEC	
849	1-12-65	Installation of fire hydrants.	NEC	
850	1-12-65	Approves contract.	NEC	
851	1-12-65	Grants occupancy permit.	NEC	
852	1-12-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
853	1-12-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
854	1-12-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
855	1-12-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
856	1-12-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
857	1-12-65	Waivers prohibition against more	NEC	

		a twenty-four-hour period.		
858	1-12-65	Amends Ord. No. 587 pertaining to the taxing and licensing of merchants.	NEC	
859	1-12-65	Provides for building committee.	1—4	<u>7-4</u>
860	1-12-65	Grants special use permit.	NEC	
861	1-12-65	Amends Ord. No. 20 pertaining to traffic.	NEC	
862	1-12-65	Amends Ord. No. 20 pertaining to traffic and vehicles.	NEC	
863	1-26-65	Declares intention of board of aldermen pertaining to sidewalks.	1—3	<u>24-51</u>
864	1-26-65	Waivers prohibition against more than one regular working shift within a twenty-four hour period.	NEC	
865	2-9-65	Re zoning.	NEC	
866	2-9-65	Approves bid.	NEC	
867	2-9-65	Amends Ord. No. 42 pertaining to department of engineer.	1	<u>2-60</u>
868	2-9-65	Amends Ord. No. 215 pertaining to expense account.	NEC	
869	2-9-65	Amends Ord. No. 212 re compensation.	NEC	
870	2-9-65	Amends Ord. No. 212 re salaries.	NEC	
871	2-23-65	Ordering installation of additional fire hydrants.	NEC	
872	2-23-65	Amends Ord. No. 618 pertaining to signs.	NEC	

874	3-23-65	Amends Ord. No. 20 pertaining to traffic regulations.	NEC	
875	3-23-65	Installation of fire hydrant.	NEC	
876	4-13-65	Provides regulation and control of atmospheric pollution in city.	RB # 1030	
877	4-27-65	Approves bid.	NEC	
878	5-11-65	Approves bid.	NEC	
879	5-11-65	Waivers prohibition against more than one regular working shift within a twenty-four hour period.	NEC	
880	5-11-65	Prohibition against more than one regular working shift.	NEC	
881	5-25-65	Approves contract.	NEC	
882	6-8-65	Amends Ord. No. 564 pertaining to building regulations.	SB # 1825	
883	6-8-65	Amends Ord. No. 20 pertaining to traffic wrecks.	NEC	
884	6-8-65	Amends Ord. No. 426 as amended pertaining to licensing and taxing of vending coin-operated machines.	SB # 187	
885	6-8-65	Prohibits gathering or accumulation of waste.	NEC	
886	6-8-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
887	6-22-65	Amends Ord. No. 552 amended pertaining to office of park commission.	NEC	
888	6-22-65	Annual tax levy for 1965.	NEC	

889	6-22-65	Vacates walkway.	NEC	
890	7-13-65	Approves sale of property.	NEC	
891	7-13-65	Waivers prohibition against more than one regular working shift within a twenty-four-hour period.	NEC	
892	7-13-65	Employing an architect.	NEC	
893	7-27-65	Defining the offense of loitering.	NEC	
894	7-27-65	Approves contract.	NEC	
895	7-27-65	Declaring the provisions of pensioned salaried members of police and fire department of the city.	SB # 1586	
896	7-27-65	Vacating walkway.	NEC	
897	8-10-65	Establishing rank of lieutenants of police, appointments to such rank.	NEC	
898	8-10-65	Amends Ord. No. 212 re compensation.	NEC	
899	8-10-65	Orders installation of fire hydrants.	NEC	
900	8-10-65	1965 Code adopted.	O	
901	9-14-65	Amends Ch. 41 pertaining to nonintoxicating beer.	1	<u>5-88</u>
902	9-14-65	Installation of fire hydrants.	O	
903	9-14-65	Installation of fire hydrants.	O	
904	10-12-65	Accepts bid.		
905	10-12-65	Amends Ord. No. 564 building code.	SB # 1825	
906	10-25-65	Accepts bid.	O	
907	10-26-65	Installation of fire hydrant	O	

908	10-26-65	Grants special permit.	O	
909	11-9-65	Accepts bid.	O	
910	11-9-65	Approves bid.	O	
911	11-9-65	Amends Ord. No. 895 pertaining to pensions and benefits for members of police and fire department.	SB # 15	
912	11-23-65	Re zoning.	O	
913	11-23-65	Accepts bid.	O	
914	12-14-65	Amends Ord. No. 212 re compensation.	O	
915	12-14-65	Provides for interchange of fire service.	O	
916	1-11-66	Waivering building line restrictions on Camera Street.	O	
917	1-26-66	Vacates alley.	O	
918	1-25-66	Vacates alley.	O	
919	2-22-66	Granting special use permit.	O	
920	3-8-66	Approves contract.	O	
921	3-8-66	Granting permit.	O	
922	3-22-66	Adds new section of <u>Ch. 10</u> pertaining to parks.	SB # 1640	
923	4-26-66	Provides for resurfacing of specific street.	O	
924	4-26-66	Approves bid.	O	
925	4-26-66	Amends <u>Ch. 6</u> relating to police board.	SB # 1769	

927	4-26-66	Amends Ord. No. 212 re compensation.	O	
928	4-26-66	Amends Ord. No. 466 pertaining to salaries.	O	
929	4-26-66	Amends Ord. No. 212 re compensation.	O	
930	4-26-66	Amending Ord. No. 214 pertaining to salaries.	O	
931	4-26-66	Amends Ord. No. 212 re compensation.	NEC	
932	5-10-66	Amends <u>Ch. 4</u> pertaining to city administration.	1	<u>2-54</u>
			2	RB # 1492
933	5-10-66	Amends code <u>Ch. 1</u> general provisions.	1	<u>1-2</u>
934	5-10-66	Amends Ord. No. 212 re compensation.	O	
935	5-10-66	Provides for employment of special counsel.	O	
936	5-10-66	Provides for traffic control signal at specific intersection.	O	
937	5-10-66	Amends Ord. No. 215 expense account for certain officers of the city.	O	
938	5-10-66	Amends Ord. No. 212 re salaries.	O	
939	5-10-66	Grants occupancy permit.	O	
940	5-10-66	Provides for employment of public relations counselor.	O	
941	5-10-66	Re zoning.	O	

942	5-10-66	Approves proposal.	O	
943	5-17-66	Accepts bid.	O	
944	5-24-66	Establishes tax rate for 1966.	O	
945	5-24-66	Amends <u>Ch. 10</u> re parks.	SB # 164	
946	6-14-66	Orders installation of fire hydrants.	O	
947	6-28-66	Approves contract.	O	
948	6-28-66	Amends <u>Ch. 4</u> pertaining to city collector.	1	<u>2-57</u>
949	6-28-66	Re zoning.	O	
950	6-28-66	Amends Ord. No. 939 granting occupancy permit.	O	
951	7-26-66	Accepts proposal.	O	
952	7-26-66	Amends code <u>Ch. 22</u> re demolition of buildings.	1	<u>7-14</u>
953	8-9-66	Amends <u>Ch. 5</u> re city finances.		<u>2-124, 2-125</u>
954	8-9-66	Approves contract.	O	
955	8-9-66	Approves bid.	O	
956	8-9-66	Approves contract.	O	
957	8-30-66	Re zoning.	O	
958	12-13-66	Cigarette occupation tax.	RB # 108	
959	9-13-66	Amends <u>Ch. 22</u> relating to the building code.	O	
960	9-13-66	Approves contract.	O	
961	9-27-66	Approves contract.	O	

		ordinance.	1521	
963	9-27-66	Approves contract.	O	
964	10-11-66	Finding and declaring sale of souvenirs at Sappington House a public purpose.	SB # 1459	
965	10-11-66	Approves bid.	O	
966	10-11-66	Authorizes collection of admission fees to the building known as the Sappington House.	SB # 1459	
967	10-11-66	Orders installation of fire hydrant.	O	
968	10-25-66	Grants special use permit.	O	
969	10-25-66	Amend Ord. No. 915 re interchange of fire service with Beacham Park fire protection district.	O	
970	10-25-66	Authorizes contract.	O	
971	10-25-66	Adds a new chapter pertaining to regulation and licensing of taxicabs.	O	
972		1965 basic building code.	RB # 1410	
973		Amends 1965 abridged building code.	SB # 1824	
974	12-13-66	Establishes annual tax levy for 1966.	NEC	
975	12-13-66	Amends code <u>Ch. 10</u> pertaining to establishment of Sappington House committee.	SB # 1459	
976	12-13-66	Repeals Ord. No. 974 which approved a contract.	R	
977	12-13-66	Amends Ord. No. 20 designating certain streets as stop streets.	O	

978	12-13-66	Orders installation of fire hydrants.	O	
979	12-13-66	Special use permit.	O	
980	12-27-66	Annual tax levy for 1965.	O	
981	12-27-66	Approves contract.	O	
982	1-10-67	Grants special use permit.	O	
983	1-24-67	Re zoning.	NEC	
984	1-24-67	Amends Ord. No. 16 re zoning.	SB # 112	
985	1-24-67	Authorizing contract.	NEC	
986	1-24-67	Amends <u>Ch. 4</u> pertaining to city administration.	1	O
987	2-28-67	Approves contract.	O	
988	2-28-67	Amends Ch. 53 pertaining to offenses against public.	1	<u>7-16</u>
989	2-28-67	Amends Ord. No. 214 pertaining to compensation.	O	
990	2-28-67	Amends Ord. No. 212 pertaining to salaries.	O	
991	2-28-67	Amends Ord. No. 212 pertaining to salaries	O	
992	2-28-67	Amends Ord. No. 212 re salaries.	O	
993	2-28-67	Amends Ord. No. 215 pertaining to salaries.	O	
994	2-28-67	Amends Ord. No. 212 re salaries.	O	
995	2-28-67	Amends Ord. No. 466 pertaining to salaries.	O	
996	2-28-67	Amends Ord. No. 934 which amends Ord. No. 212 pertaining to salaries	O	

997	2-28-67	Amends Ord. No. 212 pertaining to salaries.	0	
998	3-14-67	Deeding of property.	0	
999	3-14-67	Limiting purpose for which revenues derived from Ord. No. 958 entitled "Cigarette Occupations Tax" may be expended.	0	
1000	3-28-67	Regulates installation, erection etc. of signs.	1	NEC
			2	<u>22-1</u>
			3	<u>22-7</u>
			4	<u>22-5</u>
			5	<u>22-20</u>
			6	<u>22-21</u>
			7	<u>22-6</u>
			8	<u>22-11</u>
			9	NEC
			10—15	<u>22-23</u> —22-28
			16	NEC
			17	<u>22-17</u>
			18	<u>22-8</u>
			<u>19</u>	<u>22-14</u>
			<u>20</u>	<u>22-15</u>
			<u>23</u>	<u>22-18</u>

			25	<u>22-33</u>
			<u>26</u>	<u>22-32</u>
			27	22-35
			28	22-36
			29	<u>22-30</u>
			30	22-37
			31	<u>22-12</u>
			32	<u>22-13</u>
			33	<u>22-2</u>
			34	<u>22-10</u>
			35	<u>22-34</u>
1001	3-28-67	Amends Ord. No. 99 granting special permit.	O	
1002	3-28-67	Amends Ch. 53 pertaining to offenses against the public.	1	<u>16-29</u>
1003	4-25-67	Amends Ch. 41 pertaining to nonintoxicating beer.	1	<u>5-103</u>
			2	<u>5-106</u>
			3	<u>5-79</u>
1004		The electrical code of the city.	SB # 1824	
1005	6-13-67	Annual tax levy for 1967.	O	
1006	6-13-67	Amends Ch. 52 pertaining to through streets.	SB # 1442	

			1824	
1008	6-13-67	Amends code by incorporated ordinance numbered 887 through 962.	O	
1009	6-13-67	Amends Ord. No. 212 as amended compensation.	O	
1010	6-13-67	Amends Ord. No. 900 pertaining to general ordinances unaffected by the provisions of the code of the city.	O	
1011	6-13-67	Amends <u>Ch. 22</u> building code.	SB # 1824	
1012	6-27-67	Approves contract.	O	
1013	7-11-67	Installation of fire hydrant.	O	
1014	7-25-67	Grants special permit.	O	
1015	8-8-67	Approves contract.	O	
1016	8-8-67	Approves contract.	O	
1017	8-22-67	Approves contract.	O	
1018	8-22-67	Approves contract.	O	
1019	9-12-67	Establishes annual tax levy for 1967.	O	
1020	9-26-67	Amends Ch. 59 the explosive code.	1	O
1021	9-26-67	Authorizes contract.	O	
1022	9-26-67	Amends Ch. 52 pertaining to through stops and streets	SB # 1442	
1023	10-10-67	Installation of fire hydrant.	O	
1024	11-14-67	Provides for interchange of fire service by city of Crestwood and LeMay fire protection district in St.	O	

1025	11-14-67	Amends Ch. 43 pertaining to cigarette occupation tax.	RB # 1081	
1026	12-12-67	Amends Ch. 40 re intoxicating liquor.	1	<u>5-26</u>
1027	12-12-67	Amends Ord. No. 966 pertaining to admission fees to the building known as the Sappington House located in the city park.	O	
1028	12-12-67	Establishes Crestwood Memorial committee.	1—8	O
1029	1-9-68	Accepts proposal.	O	
1030	1-9-68	Amends Ch. 53 pertaining to stealing.	1	<u>16-31</u>
1031	1-23-68	Provides for central dispatching system for control and prevention of fire.	O	
1032	1-23-68	Repeal and re-enacts § 11.01 pertaining to health.	1	O
1033	2-13-68	Amends <u>Ch. 9</u> pertaining to streets, alleys and sidewalks.	1	<u>24-18—24-21</u>
				<u>24-25, 24-27, 24-28</u>
1034		Installation of fire hydrant.	O	
1035	2-27-68	Repeals and re-enacts § 23.11 pertaining to burning of leaves.	SB # 165	
1036	2-27-68	Repeals and re-enacts § 17.01 through 17.20 re smoke and air pollution.	O	
1037	3-12-68	Accepts proposal.	O	
1038	3-12-68	Street grades.	O	
1039	2-12-68	Repeals streets	O	

1040	3-12-68	Street grades.	2	<u>17-10</u> —17-15
1041	3-12-68	Paving streets.	O	
1042	3-12-68	Street grades.	O	
1043	3-12-68	Streets paving.	O	
1044	3-12-68	Street grades	O	
1045	3-12-68	Relating to paving and excavating streets.	O	
1046	3-12-68	Establishing street grade.	O	
1047	3-12-68	Regulates paving and excavation of streets.	O	
1048	3-12-68	Approves contract.	O	
1049	4-9-68	Re zoning.	O	
1050	4-9-68	Amends code by incorporating ordinances 963 through 1025.	O	
1051	4-23-68	Approves dedication of street.	O	
1052	4-23-68	Establishes for tax levy for 1968.	O	
1053	4-23-68	Authorizing destruction of papers after five years.	RB # 1525	
1054	4-23-68	Establishing fire lanes within city.	O	
1055	4-23-68	Amends code § 53.31 of passing bad checks.	1	<u>16-34</u>
1056	5-14-68	Approves contract.	O	
1057	5-14-68	Amends Ord. No. 1004 electrical.	O	
1058	5-14-68	Amends <u>Ch. 24</u> pertaining to electrical code.	1	O

		counsel.		
1060	5-28-68	Provides for pension and retirement for city officers.	1	<u>2-171</u>
			2	<u>2-174</u>
			3	<u>2-173</u>
1061	5-28-68	Amends <u>Ch. 5</u> pertaining to letting of contracts.	1	<u>2-124, 2-125</u>
1062	5-28-68	Authorizes preparation and publication of annual report.	O	
1063	6-11-68	Approves contract.	O	
1064	6-11-68	Provides for employment of public relations counselor.	O	
1065	6-25-68	Amends <u>Ch. 4</u> pertaining to city administration.	1	O
1066	6-25-68	Amends § 11.06 pertaining to board of health.	1	O
1067	6-25-68	Amends Ord. No. 934 pertaining to salaries.	O	
1068	6-25-68	Amends Ord. No. 212 re salaries.	O	
1069	7-9-68	Establishing fire lanes on parking lots of business establishments.	O	
1070	7-9-68	Amends Ord. No. 1002 which amends Ch. 53 pertaining to offenses against public.	1	<u>16-29</u>
1071	7-9-68	Amends Ch. 42 pertaining to weights and measures.	1	O
1072	7-23-68	Approves contract.	O	
1072	7-23-68	Approves proposal	O	

1074	7-23-68	Amends Ch. 52 re parking of motor vehicles.	SB # 1497	
1075	8-27-68	Approves contract.	O	
1076	8-27-68	Approves proposal.	O	
1077	9-10-68	Authorizes contract.	O	
1078	9-10-68	Appropriations.	O	
1079	9-10-68	Annual tax levy for 1968	O	
1080	9-10-68	Authorizes city engineers to hire a man.	O	
1081	9-10-68	Amends Ch. 43 pertaining to cigarette occupation tax.	R	
1082	9-10-68	Approves contract.	O	
1083	9-10-68	Accepts proposal.	O	
1084	9-10-68	Accepts proposal.	O	
1085	9-24-68	Amends <u>Ch. 10</u> pertaining to parks.	SB # 1640	
1086		Missing		
1087	9-24-68	Approves contract.	O	
1088	9-24-68	Amends Ch. 53 pertaining to offenses against public.	1	6-41
1089	9-24-68	Amends Ch. 53 pertaining to offenses against public.	1	<u>16-49</u>
1090	9-24-68	Amends Ch. 53 pertaining to offenses against public.	1	<u>16-43</u>
1091	9-24-68	Amends code Ch. 53 relating to offenses against public.	1	<u>16-44</u>
1092	9-24-68	Installation of fire hydrant	O	

1093	10-8-68	Installation of street lights.	O	
1094	10-8-68	Amends Ch. 53 sounding of railroad engine whistles.	1	<u>16-19</u>
1095	10-8-68	Contract.	O	
1096	10-8-68	Contract.	O	
1097	10-22-68	Installation of street lights.	O	
1098	10-22-68	Amends Ord. No. 215 pertaining to expense account for officers of city.	O	
1099	10-22-68	Amends Ord. No. 988 amending Ch. 53 offenses against public.	1	<u>7-16</u>
1100	11-12-68	Approves proposal.	O	
1101	11-12-68	Approves contract.	O	
1102	11-26-68	Approves installation of street lights.	O	
1103	12-10-68	Ord. No. 16 zoning.	O	
1104	1-14-69	Accepts proposal.	O	
1105	1-28-69	Amends Ch. 52 pertaining to overtaking of vehicle.	1	<u>14-113</u>
1106	2-25-69	Annual tax levy for 1969.	O	
1107	3-11-69	Pertains to contract.	O	
1108	4-8-69	Re zoning.	O	
1109	4-8-69	Amends § 8.03 pertaining to police court clerk.	1	O
1110	4-22-69	Amends Ch. 53 pertaining to swimming pools.	1	<u>7-16</u>
1111	4-22-69	Amends Ch. 52 pertains to no parking.	1	<u>14-157</u>

		ordinances 1026 through 1099.		
1113	4-22-69	Amends Ord. No. 973 pertaining to abridged building regulations.	SB # 1824	
1114	4-22-69	Amends Ord. No. 972 pertaining to building regulations.	SB # 1412	
1115	4-22-69	Amends <u>Ch. 22</u> pertaining to building commissioner and building inspector.	1	O
1116	3-10-69	Accepts contract.	O	
1117	4-26-69	Accepts proposal.	O	
1118	5-13-69	Railroads rights-of-way.	SB # 1165	
1119	5-13-69	Prohibits erection and construction of utility poles or lines above the surface of the ground.	1—3	<u>13-39</u>
1120	5-13-69	Amends Ord. No. 16 re zoning.	1	26-10
1121	5-13-69	Provides for light reflecting garments for persons conducting business in and upon streets, roads, and highways.	1, 2	<u>13-38</u>
1122	6-27-69	Installation of fire hydrants.	O	
1123	6-10-69	Accepts proposal.	O	
1124	6-10-69	Agreements.	O	
1125	6-10-69	Amends <u>Ch. 22</u> building code.	1	7-17
1126	6-10-69	Approves contract.	O	
1127	6-10-69	Amends Ord. No. 16 re zoning.	O	
1128	6-10-69	Amends Ord. No. 212 compensation.	O	
1129	6-10-69	Approves installation of street lights.	O	

1130	6-10-69	Amends Ch. 52 re traffic	1	<u>14-157, 14-185</u>
1131	6-10-68	Amends Ord. No. 214 compensation.	O	
1132	6-10-69	Amends Ord. No. 215 expense account for certain officers.	O	
1133	6-10-69	Amends Ord. No. 466 pertaining to salaries.	O	
1134	6-17-69	Grants special permit.	O	
1135	6-17-69	Amends <u>Ch. 5</u> pertaining to city finances.	O	
1136	6-17-69	Amends Ch. 40 pertaining to intoxicating liquor.	1, 2	<u>5-24, 5-25</u>
1137	6-17-79	Approves contract.	O	
1138	7-22-69	Accepts proposal.	O	
1139	8-12-69	Appropriations.	O	
1140	8-12-69	Accepts proposal.	O	
1141	8-12-69	Accepts proposal.	O	
1142	8-26-69	Amends Ch. 52 traffic.	SB # 1357	
1143	8-26-69	Approves streets dedication.	O	
1144	8-26-69	Amends Ch. 53 pertaining to offenses against the public.	1	<u>16-18</u>
1145	8-26-69	Creates and establishes self perpetuating nonprofit organization as an official board and agency of the city.	SB # 1459	
1146	9-9-69	Amends Ch. 53 pertaining to offenses	1	<u>16-52</u>

1147	9-9-69	Annual tax levy.	O	
1148	9-9-69	Pertains to contract.	O	
1149	10-14-69	Amends <u>Ch. 2</u> pertaining to wards and elections.	1	<u>8-5</u>
1150	10-28-69	Installation of street lights.	O	
1151	11-12-69	Amends <u>Ch. 4</u> city administration.	1	O
1152	11-25-69	Amends Ch. 53 offenses against public.	1	<u>16-32</u>
1153	11-25-69	Amends § 10.06 re intoxicating beverages.	SB # 16	
1154	11-25-69	Enacts new chapter to be entitled pesticide code.	1	O
1155	11-25-69	Repeals Ord. No. 1118 requiring railroad rights-of-way to be fenced.	R	
1156	12-9-69	Accepts proposal.	O	
1157	12-9-69	Amends Ord. No. 12 re license taxes.	1	<u>25-43</u>
			2	NGA
1158	12-9-69	Amends Ord. No. 14 per license taxes.	1	<u>25-46</u>
			2	NGA
1159	12-9-69	Amends Ord. No. 13 pertaining to license taxes.	1	<u>25-44</u>
			2	NGA
1160	12-9-69	Amends Ord. No. 11 pertaining to license taxes.	1	<u>25-45</u>
			2	NGA
1161	12-16-69	Amends Ch. 52 traffic.	1	<u>14-22</u>

1162	12-16-69	Amends Ord. No. 1134 granting special permit.	O	
1163	12-16-69	Amends Ch. 53 re offenses against public.	1	<u>16-45</u>
1164	12-16-69	Amends Ch. 53 re offenses against public.	1	<u>16-39</u>
1165	12-16-69	Amends Ch. 53 relating to offense of loitering.	1	<u>16-15</u>
1166	12-16-69	Amends Ord. No. 1000 pertaining to signs.	1	<u>22-11</u>
1167	12-16-69	Amends <u>Ch. 11</u> relating to health.	1	O
1168	12-16-69	Approves contract.	O	
1169	12-16-69	Vacate streets.	O	
1170	1-13-70	Amends Ord. No. 895 pertaining to pension of police and fire department officers.	SB # 1586.	
1171	2-10-70	Vacate easement.	O	
1172	2-10-70	Re zoning.		
1173	2-10-70	Amends <u>Ch. 13</u> pertaining to garbage and refuse.	RB # 152	
1174		Missing.	O	
1175	2-10-70	Accepts proposal.	O	
1176	2-10-70	Approves contract.	O	
1177	2-24-70	Fire hydrant.	O	
1178	3-10-70	Installation of street lights.	O	
1179	3-10-70	Special permit.	O	
1180	3-10-70	Amends Ch. 53 traffic	1	<u>14-15</u>

1181	4-14-70	Re zoning.	O	
1182	4-14-70	Accepts proposal.	O	
1183	4-14-70	Installation of fire hydrant.	O	
1184	4-14-70	Tax levy for 1970.	O	
1185	4-28-70	Special permit.	O	
1186	4-28-70	Provides for employment of special counsel.	O	
1187	5-20-70	Re zoning.	O	
1188	5-20-70	Amends <u>Ch. 10</u> pertaining to parks.	1	<u>17-22</u>
1189	5-20-70	Approves agreement.	O	
1190	5-20-70	Approves contract.	O	
1191	5-20-70	Amends Ch., 52 re traffic.	1	<u>14-12</u>
1192	5-20-70	Traffic.	1, 2	<u>14-127</u>
1193	5-20-70	Amends traffic Ch. 52.	O	
1194	5-20-70	Provides for street lights.	O	
1195	5-20-70	Amends Ord. No. 215 re salaries.	O	
1196	5-20-70	Amends Ord. No. 215 re salaries.	O	
1197	5-20-70	Amends Ord. No. 214 re salaries.	O	
1198	5-20-70	Amends Ord. No. 212 re compensation.	O	
1199	5-26-70	Approves proposal.	O	
1200	5-26-70	Accepts proposal.	O	
1201	5-26-70	Provides for employment of public relations counselor.	O	

		pertaining to fire lanes.	1375	
1203	6-9-70	Amends Ch. 52 through street.	SB # 1442	
1204	6-9-70	Approves contract.	O	
1205	6-23-70	Approves proposal.	O	
1206	6-23-70	Authorizes agreements.	O	
1207	6-23-70	Amends <u>Ch. 22</u> .	1	7-31
1208	6-23-70	Amends <u>Ch. 16</u> pertaining to dogs.	RB # 1208	
1209	6-23-70	Provides for sale tax levy to be submitted to voters.	1—3	<u>25-21</u> —25-23
1210	7-14-70	Closing of street.	O	
1211	7-14-70	Provides for expenditure of funds.	O	
1212	7-14-70	Zoning text amendment.	SB # 1521	
1213	7-14-70	Authorizes commencement of condemnation proceedings.	O	
1214	7-28-70	Authorizes subdivision of a tract of land.	O	
1215	7-28-70	Amends Ch. streets, alleys and sidewalks.	1	<u>24-10</u>
1216	7-28-70	Amends Ord. No. 972 repeals § 125.0 basic building code.	SB # 1824	
1217	7-28-70	Amends <u>Ch. 8</u> streets, alleys and sidewalks.	1	<u>24-2</u>
1218	7-28-70	Amends <u>Ch. 8</u> police court.	1	O
1219	7-28-70	Amends <u>Ch. 8</u> police court.	1	O

1220	7-28-70	Amends <u>Ch. 8</u> police court.	1	O
1221	7-28-70	Amends <u>Ch. 8</u> police court.	1	O
1222	8-11-70	Amends Ch. 52 traffic.	1	<u>14-10</u>
1223	8-25-70	Amends <u>Ch. 23</u> re fire prevention.	SB # 165	
1224	9-8-70	Authorizes purchases.	O	
1225	9-8-70	Approves contract.	O	
1226	9-8-70	Accepts contract.	O	
1227	9-22-70	Amends Ord. No. 1000 pertaining to temporary signs.	1	<u>22-17</u>
1228	9-22-70	Amends Ch. 52 re turning intersections.	1	<u>14-116</u>
1229	9-22-70	Amends Ord. No. 1004 known as electric code.	SB # 1824	
1230	10-13-70	Repeals and re-enacts § 52.30, Through streets.	SB # 1442	
1231	10-13-70	Annual tax levy for 1970.	O	
1232	10-13-70	Approves contract.	O	
1233	10-13-70	Amends Ord. No. 1190 approves contract.	O	
1234	10-27-70	Amends <u>Ch. 17</u> pertaining to emission of air contaminants.	O	
1235	10-27-70	Installation of street lighting.	O	
1236	11-10-70	Approves contract.	O	
1237	11-10-70	Installation of fire hydrants.	O	
1238	11-24-70	Amends <u>Ch. 10</u> re parks.	SB # 1450	

1239	11-24-70	Amends Ch. 52 re traffic.	SB # 1491	
1240	11-24-70	Renews lease.	O	
1241	12-22-70	Accepts proposal.	O	
1242	12-22-70	Adopts Ch. 300 Revised Statutes of Missouri known as model traffic ordinances.	1—3	<u>14-2</u>
1243	12-22-70	Amends <u>Ch. 9</u> streets, alleys, and sidewalks.	1	<u>2-61</u>
1244	1-12-71	Accepts proposal.	O	
1245	1-12-71	Accepts proposal.	O	
1246	1-12-71	Accepts proposal.	O	
1247	1-12-71	Accepts proposal.	O	
1248	1-26-71	Amends and re-enacts § 13.10 garbage and refuse.	RB # 1522	
1249	1-26-71	Amends Ord. No. 1000 which approves signs.	SB # 176	
1250	2-23-71	Amends Ord. No. 215 compensation.	O	
1251	3-9-71	Amends Ord. No. 213 compensation.	O	
1252	3-21-71	Vacate street.	O	
1253	3-23-71	Amends Ord. No. 213 compensation.	O	
1254	4-13-71	Re zoning.	O	
1255	4-13-71	Annual tax levy for 1971.	O	
1256	4-13-71	Authorizes mayor to sign quit claim deed.	O	
1257	4-13-71	Amends code by incorporating Ordinance 1100 through 1222	O	

1258	5-11-71	Special permit transferred.	O	
1259	5-11-71	Amends Ord. No. 466 re compensation.	O	
1260	5-11-71	Authorizes laying sidewalk.	O	
1261	5-11-71	Amends Ord. No. 212 re compensation.	O	
1262	5-11-71	Amends <u>Ch. 4</u> city administration.	1	<u>2-4</u>
1263	5-11-71	Amends <u>Ch. 8</u> re police court.	1	O
1264	5-11-71	Appoints judge.	O	
1265	5-11-71	Authorizes secondary employment of police officers.	1—8	<u>20-15</u>
1266	5-11-71	Amends Ch. 52 re traffic.	1	<u>14-129</u>
1267	5-11-71	Amends <u>Ch. 6</u> police department.	SB # 1769	
1268		Provides for lease of land.	O	
1269	5-25-71	Establishing landmarks and urban design commission.	1	19-18
			2	19-20
			3	19-19
			4	19-20
			5—12	19-21—19-28
			13	19-17
1270	5-25-71	Provides for employment of public relations counselor.	O	
1271	6-8-71	Amends Ord. No. 1265 authorizing secondary employment of police	1	<u>20-15</u>

1272	6-8-71	Approves contract.	O	
1273	6-22-71	Adds § 12 to Ord. No. 466 pertaining to compensation.	O	
1274	6-22-71	Provides for interchange of fire service.	O	
1275	6-22-71	Amends Ch. 32 business licenses and regulations.	1	<u>13-34</u>
1276	7-13-71	Accepts proposal.	O	
1277	7-27-71	Approves proposal.	O	
1278	7-27-71	Grants easement.	O	
1279	7-27-71	Authorizes contract.	O	
1280	7-27-71	Accepts proposal.	O	
1281	7-27-71	Amends <u>Ch. 9</u> per streets and alleys.	1	2459
1282	8-10-71	Amends Ord. No. 16 zoning text.	O	
1283	8-10-71	Approves plat.	O	
1284	8-24-71	Authorizes contract.	O	
1285	8-24-71	Amends Ch. 52 re traffic.	SB # 137	
1286	9-14-71	Amends Ord. No. 895 pension for firemen and policemen.	SB # 1586	
1287	9-14-71	Installation of fire hydrants.	SB # 1849	
1288	9-28-71	Amends § 2.01 on designating ward boundaries.	SB # 1849	
1289	9-28-71	Operation of cemeteries.	1—11	<u>17-23</u>
1290	9-28-71	Authorizes contract.	O	
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		enacting § 8.34 pertaining to penalty for violation of city ordinance.		
			2	O
1292	9-28-71	Amends code Ch. 52 yield intersections.	SB # 1357	
1293	9-28-71	Amends code Ch. 52 traffic.	SB # 1375	
1294	9-28-71	Amends code Ch. 52 pertains to through streets.	SB # 144	
1295	9-28-71	Pertains to drainage on Watson Road requiring escrow account to deal with problem.	O	
1296	10-12-71	Re zoning.	O	
1297	10-12-71	Accepts contract.	O	
1298	10-12-71	Vacates street.	O	
1299	10-12-71	Installation of street lights.	O	
1300	11-9-71	Accepts proposal.	O	
1301	11-9-71	Approves installation of street lights.	O	
1302	11-9-71	Creates special permit.	O	
1303		Provides for amendment of lease agreement.	O	
1304	11-23-71	Prohibits possession of limited amounts of certain drugs.	1, 2	<u>16-53</u>
1305	11-23-71	Amends code Ch. 40 re intoxicating liquor.	1	<u>5-26</u>
1306	12-14-71	Annual tax levy for 1971.	O	
1307	12-14-71		O	

1308	12-14-71	Establishes grades on specific streets.	O	
1309	12-28-71	Authorizes expenditure of funds.	O	
1310	12-28-71	Authorizes contract.	O	
1311	1-13-72	Approves installation of street lights.	O	
1312	1-11-72	Authorizes condemnation proceedings.	O	
1313	1-25-72	Amends Ord. No. 1119 prohibiting erection and construction of utility poles.	1, 2	<u>13-39</u>
1314	2-8-72	Approves contract.	O	
1315	3-7-72	Accepts proposal.	O	
1316	3-14-72	Approves contract.	O	
1317	3-14-72	Authorizes commencing of condemnation proceedings.	O	
1318		Missing.		
1319	3-14-72	Authorizes condemnation proceedings against persons interested in three parcels of ground.	O	
1320	3-14-72	Approves installation of street lights.	O	
1321	3-14-72	Amends code Ch. 52 pertaining to school crosswalks.	1	<u>14-15</u>
1322		Amends code Ch. 52 re traffic.	SB # 13	
1323	3-14-72	Accepts proposal.	O	
1324	3-28-72	Accepts proposal.	O	
1325	3-28-72	Amends Ord. No. 895 pertaining to pension of members of salaried police and fire departments.	SB # 1586	

1326	4-11-72	Amends <u>Ch. 4</u> relating to city administration.	I—III	<u>2-54</u> —2-55
1327	4-11-72	Amends Ord. No. 212 pertaining to compensation of city attorney.	O	
1328	4-11-72	Amends Ord. No. 212 pertaining to compensation of attorney.	O	
1329	4-11-72	Amends Ord. No. 215 compensation.	O	
1330	4-11-72	Provides for employment of special counsel.	O	
1331		Approves proposal.	O	
1332	4-11-72	Approval of examination by CPA for the operating accounts of the city.	O	
1333	4-11-72	Amends code § 52.30 pertaining to through streets and stop intersections.	SB # 144	
1334	4-25-72	Street lighting.	O	
1335	5-9-72	Establishes public relations/liaison officer.	1—3	<u>2-63</u>
1336	5-9-72	Amends Ord. No. 212 re compensation.	O	
1337	5-9-72	Authorizes hiring of public relations counsel.	O	
1338	5-9-72	Accepts proposal.	O	
1339	5-9-72	Re street paving.	O	
1340	5-9-72	Amends code § 10.01 per park board.	SB # 1640.	
1341	5-9-72	Amends code § 6.01 re police department.	SB # 176	

1343	5-9-72	Amends code § 7.04 creates officer of deputy fire chief.	RB # 1581	
1344	5-9-72	Amends Ord. No. 212 re compensation of officers.	O	
1345	5-9-72	Amends code § 7.03.	1	<u>9-18</u>
1346	5-23-72	Approves conversion of street lights.	O	
1347	5-23-72	Approves contract.	O	
1348	5-23-72	Accepts proposal.	O	
1349	6-13-72	Provides for controlling creek and specific area.	O	
1350	6-13-72	Approves and accepts proposal.	O	
1351	6-13-72	Approves contract.	O	
1352	6-13-72	Accepts contracts.	O	
1353	6-13-72	Re zoning.		
1354	6-13-72	Amends § 52.791 re traffic.	SB # 1375	
1355	6-27-72	Improvement to area which accumulates water.	O	
1356	6-27-72	Amends § 52.30 re traffic.	SB # 1447	
1357	6-27-72	Amends code § 52.31 re traffic.	1	<u>14-120</u>
			1, 2	<u>14-184</u>
1358	6-27-72	Approves proposal.	O	
1359	6-27-72	Amends Ch. 50 pertaining to public utility taxes.	SB # 137	

		sidewalks, etc.		
1361	6-27-72	Establishing a land acquisition agent.	O	
1362	6-27-72	Amends Ord. No. 212 compensation.	O	
1363	7-11-72	Amends <u>Ch. 4</u> city administration	1	<u>2-60</u>
1364	7-11-72	Amends Ord. No. 212 as amended pertaining to salaries.	O	
1365	7-11-72	Approves contract.	O	
1366	7-11-72	Amends code § 52.30 re stop signs.	SB # 1442	
1367	7-11-72	Amends Ord. No. 212 re compensation.	O	
1368	7-25-72	Rejection request of Crestwood Firefighter's Association.	O	
1369	7-25-72	Rejecting request of Crestwood Firefighter's Association for reduction in hourly work week.	O	
1370	7-25-72	Amends code § 4.31 re city administration.	1	<u>2-65</u>
1371	7-25-72	Amends code § 6.061 re police department.	O	
1372	7-25-72	Amends Ch. 39 re payment of public utility taxes.	1	<u>25-47</u>
1373	8-8-72	Amends Ord. No. 214 pertaining to salaries.	O	
1374	8-8-72	Approves easement.	O	
1375	8-8-72	Section 52.791(fire lanes, traffic)	1	<u>14-158, 14- 186</u>

		alleys and sidewalks.		
			2	O
1377	9-12-72	Vacates roadway.	O	
1378	9-12-72	Provides for creation of office of city administrator.	1—9	<u>2-53</u>
1379	9-12-72	Amends Ord. No. 212 pertaining to salaries.	O	
1380	9-12-72	Repeals Ord. No. 1365 approving a contract.	O	
1381	9-12-72	Amends code by designating specific intersections for traffic control signals.		<u>14-182</u>
1382	9-12-72	Approves installation of street lights.	O	
1383	9-12-72	Amends code § 52.13 traffic control signals.	1	<u>14-48, 14-181, 14-182</u>
1384	9-12-72	Authorizes mayor to make an affidavit.	O	
1385	9-13-72	Accepts contract.	O	
1386	9-26-72	Amends Ord. No. 212 pertaining to salaries.	O	
1387	9-26-72	Repealing § 4.06	1	<u>2-53</u>
1388	9-26-72	Amends code § 52.30 re stop signs.	SB # 1442	
1389	9-26-72	Amends Ord. No. 212 pertaining to salaries.	O	
1390	10-10-72	Amends Ord. No. 212 as amended pertaining to salaries.	O	
1391	10-24-72	Approves contract.	O	

1392	10-24-72	Amends code § 52.30 re stop intersections.	SB # 1442	
1393	10-24-72	Accepts proposal.	O	
1394	11-14-72	Annual tax levy for 1972.	O	
1395	11-14-72	Improvement to area which collects waste water.	O	
1396	11-14-72	Repeals § 4.08 and re-enacting same pertaining to city collector.	1	<u>2-53</u>
1397	11-21-72	Amends <u>Ch. 4</u> establishing the office of treasurer.	1	<u>2-59</u>
1398	11-21-72	Requires owners of property in the E local business and F commercial and light industrial district to provide city clerk with a certified list of names and addresses of all tenants of said property.	1, 2	<u>13-36</u>
1399	11-21-72	Accepts proposal.	O	
1400	11-21-72	Repeals and re-enacts § 8.37 per police court.	1	O
1401	11-21-72	Amends code § 8.37 pertaining to court cost.	1	O
1402	11-21-72	Amends Ord. No. 212 re salaries.	O	
1403	11-21-72	Amends code by incorporating Ordinance 1234 through 1299.	O	
1404	11-28-72	Amends code by adding a new intersection.	1	<u>14-184</u>
1405	11-28-72	Amends <u>Ch. 5</u> city finance.	1	<u>2-82</u>
1406		Missing.		
1407	11-28-72	Renewal of lease.	O	

1408	12-19-72	Accepts proposal.	O	
1409	12-19-72	Amends <u>Ch. 7</u> pertaining to fire department.	1	<u>9-16</u>
1410	12-19-72	Enacting building regulations to be known as the basic building code of the city.	SB # 1824, 1828	
1411	12-19-72	Amends Ord. No. 212 pertaining to salaries.	O	
1412	12-19-72	Amends Ord. No. 212 salaries.	O	
1413	1-9-73	Accepts offer.	O	
1414	1-9-73	Provides for payment.	O	
1415	1-23-73	Accepts proposal.	O	
1416	1-23-73	Amends Ord. No. 212 pertaining to salaries.	O	
1417	1-23-73	Provides for installation of signs at specific points in Crestwood.	O	
1418	1-23-73	Amends Ord. No. 212 re salaries.	O	
1419	1-23-73	Accepts proposal.	O	
1420	1-23-73	Amends code § 52.30 re stop signs.	SB # 1442	
1421	1-23-73	Amends <u>Ch. 6</u> re police board.	SB # 176	
1422	1-23-73	Accepts offer.	O	
1423	2-27-73	Accepts contract.	O	
1424	3-6-73	Authorizes acceptance from St. Louis County of a pedestrian-operated electric traffic signal.	O	
1425	3-6-73	Provides for powers and duties of	1	NGA

			2	O
1426	3-6-73	Amends Ord. No. 1410 known as the basic building code superseded by Ord. No. 1824.	O	
1427	3-6-73	Amends code by adding a new section to article 300 known as model traffic ordinance.	1	<u>14-3</u>
1428	3-6-73	Amends municipal code by incorporating ordinances 1300 through 1388.	O	
1429	3-13-73	Amends Ch. 32 prohibiting lights and light standards in buffer zones of business or industrial property except by special permit.	1	<u>13-35</u>
1430	3-13-73	Installation of fire hydrants.	O	
1431		Appropriations.	O	
1432	3-13-73	Accepts proposal.	O	
1433	3-13-73	Accepts proposal.	O	
1434	3-27-73	Amends <u>Ch. 5</u> pertaining to the city budget.	1	<u>2-96</u>
			2	NEC
			3	<u>2-101</u>
			4	<u>2-103</u>
1435	3-27-73	Amends Ord. No. 466 re salaries.	O	
1436	3-27-73	Authorizes agreement.	O	
1437	3-27-73	Authorizes execution of affidavits	O	
1438	3-27-73	Provides for improvement of area on which surface water accumulates	O	

1439	3-27-73	Accepts agreement with Elmer Fox Co.	O	
1440	3-27-73	Accepts proposal.	O	
1441	3-27-73	Re installation of street lights.	O	
1442	5-22-73	Amends code § 52.30 re through streets.	1	<u>14-119</u>
			1, 2	<u>14-183</u>
1443	5-22-73	Amends code § 5.25 re city finances.	1	O
1444	5-22-73	Annual tax levy for 1973.	O	
1445	6-12-73	Amends Ord. No. 16 re zoning text amendment.	O	
1446	6-12-73	Approves contract.	O	
1447	6-26-73	Accepts contract.	O	
1448	6-26-73	Amends § 52.22 for traffic speed limits.	1	<u>14-128, 14-190</u>
1449	7-10-73	Authorizes commencement of condemnation proceedings against all persons and parties interested in a parcel of ground contained in the city.	O	
1450	6-24-73	Amends code § 6.071 re police dispatcher.	O	
1451	7-24-73	Authorizes agreement.	O	
1452	8-14-73	Amends <u>Ch. 21</u> provides for notice of hearing on application for zoning changes.	O	
1453	8-28-73	Provides for the sale of only adulterated wholesome properly branded food regulating the source of foods. etc.		

1454	8-28-73	Amends <u>Ch. 21</u> provides for notice of hearing on application.	SB by new food Chapter.	O
1455	8-28-73	Approves installation of street lights.	O	
1456	9-11-73	Accepts contract.	O	
1457	9-25-73	Approves contract.	O	
1458	9-25-73	Approves purchase.	O	
1459	10-9-73	Repeals § 10.56 and re-enacts the same re maintenance and operation of Sappington House and grounds.	2	<u>17-21</u>
1460	10-9-73	Amends § 52.30 pertains to traffic regulations.	1	<u>14-183</u>
1461	10-9-73	Re amends § 52.30 re stop signs.	1	<u>14-183</u>
1462	10-9-73	Re zoning.	O	
1463	10-23-73	Accepts contract.	O	
1464	10-23-73	Accepts contract.	O	
1465	10-23-73	Amends Schedule E of Ch. 52 establishment of specific drive and lanes.		<u>14-186</u>
1466	11-13-73	Accepts proposal.	O	
1467	11-13-73	Accepts contract.	O	
1468	11-13-73	Annual tax rate for 1973.	O	
1469	11-27-73	Accepts proposal.	O	
1470	11-27-73	Accepts contract with Union Electric Co.	O	
1471	11-27-73	Accepts contract with Union Electric Co.	O	

1472	11-27-73	Accepts agreement.	O	
1473	12-11-73	Establishes a system of personnel administration.	1—11	<u>18-4—18-14</u>
			11	<u>18-1</u>
			12	<u>18-3</u>
1474	1-15-74	Approves contract.	O	
1475	1-22-74	Amends Ord. No. 212 re salaries.	O	
1476	1-22-74	Authorizes mayor to execute affidavit.	O	
1477	1-22-74	Amends code <u>Ch. 4</u> pertaining to recycling center supervisor.	1	O
1478	1-22-74	Grants easement.	O	
1479	2-12-74	Grants special permit.	O	
1480	2-12-74	Repeals Ord. No. 1369.	R	
1481	2-26-74	Grants special permit.	O	
1482	3-12-74	Ordinance controlling, regulating and licensing business as massage establishments.	1	<u>13-161</u>
			2	<u>13-166</u>
			3	<u>13-162</u>
			4	<u>13-167</u>
			5	<u>13-168</u>
			6	<u>13-169</u>
			7	<u>13-171</u>
			8	<u>13-172</u>
			9	<u>13-170</u>

			10	<u>13-174</u>
			11	<u>13-175</u>
			12	<u>13-177</u>
			13—17	<u>13-178—</u> <u>13-182</u>
			18	<u>13-176</u>
			<u>19</u>	<u>13-173</u>
			<u>21</u>	<u>13-164</u>
			<u>23</u>	<u>13-163</u>
1483	3-12-74	Accepts proposal.	O	
1484	3-26-74	Amends Ord. No. 1477 re recycling center supervisor.	1	O
1485	3-26-74	Amends Ord. No. 10 providing for cancellation re scheduling or rescheduling of cancelled meetings due to special circumstances.	1	<u>2-23</u>
1486		Grants special permit.	O	
1487	4-23-74	Accepts proposal.	O	
1488	5-7-74	Amends Ord. No. 212 re compensation.	O	
1489	5-7-74	Repeals § 4.091.		
1490	5-7-74	Amends Ord. No. 212 re salary and compensation of public relations officer.	O	
1491	5-7-74	Amends § 52.285 pertaining to U-turns.	1	<u>14-117, 14-189</u>
1492	5-7-74	Repealing § 4.07 of municipal code to	<u>22</u>	<u>13-165</u>

		special counsel as city counselor.		
1493	5-7-74	Amends § 52.28 pertaining to traffic.	1	<u>14-116</u>
1494	5-7-74	Amends Ord. No. 212 pertaining to salaries.	O	
1495	5-7-74	Regulates use of industrial and public parking lots.	1, 2	<u>14-165</u>
1496	5-7-74	Adopts official flag for city.	1—3	<u>2-2</u>
1497	5-7-74	Repeals § 52.801 of code and re-enacts the same pertaining to parking.	1	<u>14-161</u>
1498	5-7-74	Amends code by incorporating ordinances numbered 1389 through 1465.	O	
1499	5-7-74	Accepts proposal.	O	
1500	5-14-74	Accepts contract.	O	
1501	5-14-74	Establishing annual tax levy for 1974.	O	
1502	5-28-74	Amends Ord. No. 5 re zoning commission and board of adjustment.	SB # 1531	
1503	5-28-74	Prohibiting use and display of reader boards and amending <u>Ch. 26</u> .	1, 2	<u>22-6</u>
1504	6-11-74	Accepts proposals.	O	
1505	6-11-74	Amends <u>Ch. 4</u> re city attorney and the assistant city attorney.	1—3	<u>2-54—2-56</u>
1506	6-11-74	Amends Ord. No. 212 re appointed officials and their compensation.	O	
1507	6-11-74	Amends Ord. No. 212 pertaining to first assistant city attorney.	O	
1508	6-11-74	Grants special use permit.	O	

1509	6-25-74	Grants special use permit.	O	
1510	6-25-74	Amends <u>Ch. 6</u> pertaining to the police department.	1	<u>20-5</u>
1511	6-25-74	Amends Ord. No. 1473 re personnel administration.	1	<u>18-8</u>
1512	6-25-74	Amends <u>Ch. 4</u> created and establishing office of finance, officer and treasurer.	1	<u>2-59</u>
1513	6-25-74	Amends code 4.092 pertaining to land acquisition agent.	R	
1514	7-9-74	Amends Ord. No. 1504 re proposal of Blue Bird Transit Inc.	O	
1515	7-9-74	Amends <u>Ch. 7</u> pertaining to fire chief.	1	<u>9-18</u>
1516	7-9-74	Special use permit.	O	
1517	7-9-74	Grants special use permit.	O	
1518	7-23-74	Re zoning.	O	
1519	8-13-74	Amends Ord. No. 212 salary and compensation of aldermen.	O	
1520	8-13-74	Accepts contract.	O	
1521	8-13-74	Amends Ord. No. 16E local business district regulations keep.	O	
1522	8-27-74	Regulates storage, collection, transportation, processing and disposal of solid waste.		<u>23-1—23-11</u>
1523	8-27-74	Re proposal.	O	
1524	9-10-74	Amends Ord. No. 1473 pertaining to grievance procedure manual. Adopted by reference.	O	

		authorizing destruction of certain city records.		
1526	9-10-74	Amends Ord. No. 16 pertaining to building conformity.	O	
1527	9-10-74	Creates railway commission.		<u>2-64</u>
1528	9-24-74	Accepts proposal.	O	
1529	10-8-74	Approves addendum to contract.	O	
1530	10-8-74	Amends code § 4.31 re city administration.	1	<u>2-65</u>
1531	10-8-74	Amending Ord. No. 5 providing for a planning, zoning and architectural review commission.	1	26-8
1532	10-22-74	Repeals code § 52.78 pertaining to all night parking.	R	
1533	10-22-74	Amends code § 52.22 providing for speed limits.		<u>14-128</u>
			1	<u>14-190</u>
1534	10-22-74	Grants special permit.	O	
1535	10-22-74	Amends Schedule D pertaining to no parking zones.	2	<u>14-185</u>
1536		Orders installation of fire hydrant.	O	
1537	11-12-74	Amends Ord. No. 16 pertaining to off-street parking.	O	
1538	11-12-74	Amends Ord. No. 212 as amended pertaining to salaries, etc.	O	
1539	11-12-74	Grants special permit.	O	
1540	11-26-74	Defining "food," "potentially hazardous food," "unadulterated"	SB by	

		"misbranded," "retail establishments," "health authority," "equipment," etc., provides for sale of only unadulterated, wholesome, properly branded food.	Food Chapter.	
1541	11-26-74	Accepts proposal.	O	
1542	11-26-77	Accepts proposal.	O	
1543	11-26-77	Accepts proposal.	O	
1544	12-10-74	Authorizes agreement.	O	
1545	12-10-74	Annual tax rate for 1974.	O	
1546	12-10-74	Amends code Ch. 52 re turning intersections.		<u>14-116</u>
1547	12-10-74	Amends code Ch. 52 by adding a new schedule thereto.		<u>14-188</u>
1548	1-14-75	Amends Ord. No. 1523 relating to proposal of Fenton Hauling Co.	O	
1549	1-14-75	Repeals Schedule F of code pertaining to no left turns and enacting a new section thereof.	O	
1550	1-14-75	Amends Ord. No. 1457 pertaining to fire department mutual aid agreement.	O	
1551	1-28-75	Accepts contract.	O	
1552	1-28-75	Accepts contract.	O	
1553	1-28-75	Amends municipal code incorporating ordinances 1466 through 1536.	O	
1554	2-11-75	Amends code § 1.02 pertaining to general provisions.		<u>1-2</u>
1555	2-11-75	Amends Schedule F pertaining to fire	O	<u>14-188</u>

		lanes, parking zones, etc.		
1556	2-11-75	Amends code § 4.05 providing for changing terminology of the phrase "President pro tempore of the board of aldermen" to "acting president of the board of aldermen."	O	
1557	2-22-75	Amends Ord. No. 1540 per retail food establishment.	O	
1558	2-25-75	Special use permit.	O	
1559	2-25-75	Amends code § 5.27 provides for transfers to the reserve fund.	1—3	<u>2-110</u>
			2	14-481
1560	3-11-75	Accepts contract.	O	
1561	3-17-75	Approves permanent easement.	O	
1562	3-25-75	Amends code § 5.28 pertaining to city finances.	1, 2	<u>2-83</u>
1563	3-25-75	Amends code § 53.24 pertaining to offenses against public peace.		<u>16-26</u>
1564	3-25-75	Amends Ch. 53 re offense against public peace.		<u>16-46</u>
1565	3-25-75	Annual tax levy for 1975.	O	
1566	4-8-75	Amends municipal code Ch. 37 pertaining to merchant, manufacturers, and service occupation taxes.	1	<u>13-201</u>
				<u>13-203—</u> 13-205
				<u>13-207—</u> 13-215

				<u>13-227, 13-229</u>
1567	4-8-75	Amends municipal code Ch. 38 per service businesses.		<u>13-201, 13-209</u>
				<u>13-213, 13-217</u>
1568	4-8-75	Amends Schedule A-1 pertaining to traffic control intersection.	2	<u>14-181</u>
1569	5-13-75	Amends Ord. No. 1540 pertaining to retail food establishments.	O	
1570	6-10-75	Accepts contract.	O	
1571	7-8-75	Amends municipal code providing for changing terminology of the phrase "Highway 66" and "Watson Road" to wherever it appears in the code.	RB # 1627	
1572	7-8-75	Amends Schedule C pertaining to yield intersections.	2	<u>14-184</u>
1573	7-22-75	Presentment of contract.	O	
1574	7-22-75	Accepts contract.	O	
1575	7-22-75	Amends Ord. No. 1523 re proposal of Fenton Holding Co. to collect, remove and dispose of all residential solid waste.	O	
1576	7-22-75	Accepts contract.	O	
1577	8-26-75	Accepts contract.	O	
1578	9-9-75	Accepts contract.	O	
1579	10-20-75	Approves contract.	O	
1580	10-28-75	Accepts contract.	O	

1581	11-25-76	Amends <u>Ch. 7</u> per office of deputy fire chief.	R	
1582	1-13-76	Special use permit.	O	
1583	12-9-75	Amends <u>Ch. 4</u> re city administrator.	1	<u>2-53</u>
1584	1-21-76	Amends Ord. No. 16 re zoning.	O	
1585	1-21-76	Grants special use permit.	O	
1586	1-21-76	Amends Ord. No. 1325 pertaining to pension for salaries members of the police and fire department.	O	
1587	1-21-76	Accepts lease agreement.	O	
1588	1-21-76	Establishes annual tax levy for 1975.	O	
1589	1-21-76	Approves contract.	O	
1590	1-21-76	Accepts contract.	O	
1591	1-27-76	Accepts contract.	O	
1592	1-27-76	Regulating and providing for licensing emergency alarm systems.	2	O
1593	2-10-76			<u>14-128, 14-190</u>
1594	2-10-76	Amends municipal code § 5.28 pertaining to city finances.	1, 2	<u>2-83</u>
1595	2-24-76	Amends code § 5.30 pertaining to city finances.	1, 2	<u>25-3</u>
1596	2-24-76	Amends Schedule F pertaining to no left turns.	O	
1597	2-24-76	Grants special permit.	O	
1598	2-24-76	Amending Schedule D pertaining to	2	<u>14-185</u>

1599	2-24-76	Amends Schedule A-1 pertaining to traffic control intersection.		<u>14-181</u>
1600	3-19-76	Amends Ord. 1590 contract.	O	
1601	3-9-76	Amends Schedule E pertaining to fire lanes, parking zones, etc.	1	<u>14-186</u>
1602	3-29-76	Approves contract.	O	
1603	3-29-76	Accepts contract.	O	
1604	4-27-76	Accepts special permit.	O	
1605	4-27-76	Accepts agreement.	O	
1606	5-11-76	Accepts contract.	O	
1607	5-11-76	Pavement and excavation of streets.	O	
1608	5-11-76	Establishing annual tax levy for 1976.	O	
1609	5-11-76	Amends Ord. No. 1523 per collection and disposal of all residential solid waste.	1	<u>23-4</u>
1610	5-11-76	Amends Ord. No. 388 for registration of motor vehicles.	1	14-73
1611	5-11-76	Amends Ord. No. 1592 pertains to regulating and provide for licensing of emergency alarm systems.	1	NGA
			2	<u>4-5</u>
			3	NGA
1612	6-8-76	Grants special use permit.	O	
1613	6-8-76	Accepts contract.	O	
1614	6-8-76	Approves contract.	O	
1615	6-8-76	Amends Ord. No. 16 re zoning.	O	

1616	7-13-76	Amends schedule E pertaining to fire lanes, parking zones, etc.	2	<u>14-186</u>
1617	7-13-76	Amends Schedule E pertaining to fire lanes, parking zones, etc.	O	
1618	7-13-76	Accepts contract.	O	
1619	7-27-76	Amends Ch. 4 pertaining to city administration.		<u>2-53</u>
1620	8-10-76	Accepts contract.	O	
1621	8-10-76	Accepts contract.	O	
1622	8-24-76	Orders installation of additional fire hydrants.	O	
1623	9-14-76	Ordering installation of additional fire hydrants.	O	
1624	9-14-76	Amends Schedule D pertaining to no parking zones of municipal code.	2	<u>14-185</u>
1625	9-28-76	Amends Schedule E pertaining to fire lanes, no parking zones.	2	<u>14-186</u>
1626	9-28-76	Grants special use permit.	O	
1627	9-28-76	Amends code to provide for changing terminology of the phrases "Highway 66" to "State Highway 66," wherever it appears in the code.		<u>14-128, 14-190</u>
			1	<u>14-27—14-29</u>
				<u>14-113, 14-156, 17-22</u>
1628	9-28-76	Grants special permit.	O	
1629	10-12-76	Accepts contract.	O	

1631	10-12-76	Amends Ord. No. 1473 pertaining to personnel policy manual.	O	
1632	10-12-76	Amends Ord. No. 212 pertaining to compensation of appointed officials.	O	
1633	10-26-76	Approves bid.	O	
1634	10-26-76	Establishing annual tax levy for 1976.	O	
1635	10-26-76	Amends Ord. No. 1586 as amended re pension for salaried members of police and fire department.	O	
1636	11-9-76	Amends <u>Ch. 4</u> relating to city administrator.	1	<u>2-53</u>
1637	11-9-76	Repeals Ord. No. 1629 accepting contract.	O	
1638	12-14-76	Vacating portion of street.	O	
1639	12-14-76	Approves subdivision plat.	O	
1640	12-14-76	Amends <u>Ch. 10</u> pertaining to parks.	1	<u>17-1</u>
			2	<u>17-2</u>
				<u>17-5</u>
				<u>17-6—17-8</u>
				<u>17-17—17-19</u>
			3	<u>17-22</u>
1641	12-14-76	Orders installation of additional fire hydrants.	O	
1642	12-14-76	Accepts contract.	O	
1643	12-14-76	Provides and approving an	O	

		appointed trustee of Crestwood firemen and policemen retirement plan.		
1644	1-11-77	Accepts proposal.	O	
1645	1-25-77	Grants special use permit.	O	
1646	1-25-77	Orders installation of additional fire hydrants.	O	
1647	2-8-77	Amends municipal code by incorporating Ord. No. 1537 through 1632.	O	
1648	2-22-77	Amends Ch. 4A pertaining to personnel administration.	1	<u>18-8</u>
1649	3-8-77	Grants special use permit.	O	
1650	3-8-77	Accepts contract.	O	
1651	3-22-77	Repealing and re-enacting Ch. 34 pertaining to coin-operated machines.	SB # 1875	
1652	3-22-77	Authorizes lease agreement.	O	
1653	4-12-77	Re zoning.	O	
1654	4-26-77	Regulates flood damage control.	Art. 1	<u>10-4</u>
			Art. 2	<u>10-1</u>
			Art. 3, § A	<u>10-5</u>
			Art. 3, § B	<u>10-6</u>
			Art. 3, § C	10-12
			Art. 3, § D	<u>10-7</u>

			Art. 3, § E	<u>10-8</u>
			Art. 3, § F	<u>10-9</u>
			Art. 3, § G	<u>10-10</u>
			Art. 4, § A, B	10-11
			Art. 4, § C	10-13
			Art. 4, § D	10-14
			Art. 5	10-15
			Art. 6	10-16
			Art. 7	<u>10-2</u>
			Art. 8	<u>10-3</u>
1655	5-10-77	Repeals and reenacts <u>Ch. 23</u> re storage of hazardous substances.		<u>9-36</u> —9-40
1656	5-10-77	Accepts bid.	O	
1657	5-10-77	Re zoning.	O	
1658	5-24-77	Annual tax levy for 1977.	O	
1659	5-24-77	Accepts bid.	O	
1660	5-24-77	Approves amendment to Ord. No. 1630, which is a contract.	O	
1661	5-24-77	Accepts bid.	O	
1662	6-14-77	Amends code <u>Ch. 19</u> establishing minimum standards governing	1	7-53

		dwellings and nondwelling structures.		
			2	7-51
			3—11	7-54—7-62
			12	7-52
1663	6-28-77	Accepts contract.	O	
1664	6-28-77	Accepts agreement.	O	
1665	6-28-77	Accepts bids.	O	
1666	6-28-77	Accepts a contract.	O	
1667	6-28-77	Accepts a lease agreement.	O	
1668	6-28-77	Grants a special permit.	O	
1669	6-28-77	Grants a special permit.	O	
1670	7-12-77	Accepts bid.	O	
1671	7-12-77	Accepts a contract.	O	
1672	7-12-77	Accepts bid.	O	
1673	7-26-77	Accepts a lease agreement.	O	
1674	7-26-77	Accepts bid.	O	
1675	7-26-77	Accepts bid.	O	
1676	7-26-77	Amends code <u>Ch. 5</u> pertaining to city finances.	1	<u>2-125</u>
1677	7-26-77	Electing of benefit program in the Missouri local government employment retirement system.	O	
1678	7-26-77	Re construction of storm water sewers.	O	
1679	7-26-77	Re construction of storm water	O	

1680	7-26-77	Re construction of sanitary sewers.	O	
1681	8-23-77	Amends Ord. No. 1586 as amended pertaining to pensions of police and fire department.	O	
1682	9-13-77	Accepts bid.	O	
1683	9-27-77	Accepts bid.	O	
1684	9-27-77	Re construction of storm water sewers.	O	
1685	10-11-77	Amends code <u>Ch. 4</u> per city administration by amended subsection 1.	O	
1686	10-25-77	Amends code <u>Ch. 9</u> per street, alleys, and sidewalks.	1	<u>2-61</u>
1687	11-8-77	Annual tax rate for 1977.	O	
1688	11-8-77	Accepts bid.	O	
1689	11-8-77	Accepts special use permit.	O	
1690	11-22-77	Accepts agreement.	O	
1691	11-22-77	Accepts bid.	O	
1692	11-22-77	Amends code Ch. 32 prohibiting commercial solicitation on private residential property.	1	<u>13-27</u>
1693	12-13-77	Repeals Ord. No. 1604 per special use permit.	R	
1694	1-10-78	Accepts agreement.	O	
1695	2-14-78	Amends municipal code by incorporating ordinances numbered 1633 through 1686.	O	

1697	3-28-78	Accepts bids.	O	
1698	3-28-78	Adopts specific codes superceded by Ord. No. 1824.	O	
1699	3-28-78	Authorizes agreement with St. Louis County.	O	
1700	4-25-78	Authorizes contract.	O	
1701	4-25-78	Subdivision plats.	O	
1702	4-25-78	Amends <u>Ch. 16</u> per dog licenses.	RB # 175	
1703	5-9-78	Re zoning.	O	
1704	5-9-78	Grants special use permit.	O	
1705	6-13-78	Amends code Ch. 53 per offenses against public.	1	<u>16-18</u>
1706	6-27-78	Accepts bids.	O	
1707	6-27-78	Accepts bids.	O	
1708	6-27-78	Per installation of fire hydrants.	O	
1709	7-27-78	Establishes annual tax levy for 1978.	O	
1710	7-11-78	Amends Ord. No. 1586 as amended per pension of police and fire department members.	O	
1711	7-11-78	Accepts contract	O	
1712	8-15-78	Re zoning.	O	
1713	8-29-78	Accepts bid.	O	
1714	8-29-78	Accepts agreement.	O	
1715	8-29-78	Accepts bid.	O	

1716	9-11-78	Accepts bid.	O	
1717	9-26-78	Accepts bid.	O	
1718	10-10-78	Establishes annual tax levy for 1978.	O	
1719	10-10-78	Amends Ord. No. 1586 as amended pertaining to pensions for members of police and fire departments.	O	
1720	11-28-78	Grants special use permit.	O	
1721	1-9-79	Authorizing amending municipal code by incorporating provisions of general ordinances 1687 through 1717.	O	
1722	1-9-79	Approves contract.	O	
1723	1-23-79	Grants special use permit.	O	
1724	1-23-79	Authorizes purchase.	O	
1725	2-13-79	Authorizes mayor to accept bid.	O	
1726	2-13-79	Authorizes mayor to accept bid.	O	
1727	2-13-79	Amends code Ch. 52 re stop signs.	2	<u>14-183</u>
			3	<u>14-185</u>
1728	2-27-79	Amends code Ch. 52 parking.	1—4	<u>14-159</u>
1729	2-27-79	Amend an exiting special use permit.	O	
1730	3-27-79	Authorizes contract.	O	
1731	3-27-79	Accepts street right of way dedication plat.	O	
1732	4-24-79	Authorizes mayor to accept bid.	O	
1733	4-24-79	Amends code Ch. 7.01 pertaining to creation, duties, responsibilities of fire board.	1	<u>9-16</u>

		solid waste.		
			2	<u>23-4</u>
1735	5-8-79	Authorizes contract.	O	
1736	6-12-79	Authorizes contract.	O	
1737	6-12-79	Authorizes contract.	O	
1738	6-12-79	Authorizes contract.	O	
1739	6-12-79	Authorizes contract.	O	
1740	6-12-79	Amends Code Ch. 52 reparking.	O	
1741	6-26-79	Authorizes contract.	O	
1742	6-26-79	Authorizes contract.	O	
1743	6-26-79	Authorizes contract.	O	
1744	6-26-79	Amends code Ch. 3.07 pertaining to ways and means committee.	1	<u>2-28</u>
1745	6-26-79	Amends code <u>Ch. 5</u> per city finances.	1	<u>2-82, 2-96, 2-97</u>
				<u>2-102, 2-103, 2-104, 2-107</u>
1746	7-10-79	Establishes annual tax levy for 1979.	O	
1747	7-24-79	Amends code <u>Ch. 24</u> electrical code.	SB # 1824	
1748	8-14-79	Prohibits entry to the areas surrounding the Areat-White Cliff park.	1	<u>17-24</u>
1749	8-28-79	Authorizes the inspection and auditing of records of the state	O	

		sales tax.		
1750	8-28-79	Repeals and re-enacts <u>Ch. 16</u> of code pertaining to dogs, cats, and other animals.	I	NGA
			II	<u>6-1</u> —6-11
1751	8-28-79	Amends code subsection 53.43(b) pertaining to minimum depth of a pool.	1	<u>7-16</u>
1752	8-28-79	Amends code Ch. 52 per parking.	RB # 1858	
1753	8-28-79	Amends code Ch. 52 re speed limits.	1	<u>14-128</u>
1754	9-18-79	Authorizes contract.	O	
1755	9-18-79	Amends code Ch. 52 re stop sign placement.	1	<u>14-183</u>
1756	9-18-79	Amends Ord. No. 1060 increasing mandatory retirement age for employees of city.	1	<u>2-174</u>
1757	10-9-79	Amends code subsection 53.43(c) re drainage of swimming pools.	1	<u>7-16</u>
1758	10-9-79	Amends code subsection 2.07(a) last filing date for candidates for office.	1	<u>8-5</u>
1759	10-9-79	Amends code subsection 3.01 qualification for aldermen.	1	<u>2-21</u>
1760	10-9-79	Annual tax levy for 1979.	O	
1761	10-9-79	Amends code Ch. 52 re U-turns.	1	<u>14-189</u>
1762	10-9-79	Amends code Ch. 52 re speed limits.	1	<u>14-128</u>
1763	10-23-79	Amends code § 13.10 re service charges.	SB # 177	

		noise.		
1765	11-13-79	Accepts street dedication.	O	
1766	11-27-79	Authorizes contract.	O	
1767	11-27-79	Authorizes contract.	O	
1768	12-11-79	Amends code <u>Ch. 26</u> re signs.	1	<u>22-4</u>
			2, 39	<u>22-2</u>
				<u>22-1</u>
			4—6	<u>22-7</u>
			7, 8	<u>22-5</u>
			9, 12	<u>22-20</u>
			10	<u>22-6</u>
			11	<u>22-19</u>
			13	<u>22-21</u>
			14	<u>22-22</u>
				<u>22-23</u>
			17	<u>22-24</u>
			<u>19—22</u>	<u>22-26—22-29</u>
			<u>20</u>	<u>22-27</u>
			<u>21</u>	<u>22-28</u>
			<u>22</u>	<u>22-29</u>
			<u>23</u>	<u>22-17</u>
			24	<u>22-8</u>

			<u>26</u>	<u>22-15</u>
			27	<u>22-31</u>
			28	<u>22-16</u>
			29	<u>22-18</u>
			30	<u>22-9</u>
			31	<u>22-33</u>
			32	<u>22-32</u>
			33	22-35
			34	22-36
			35	<u>22-30</u>
			36	22-37
			37	<u>22-12</u>
			38	<u>22-13</u>
			40	<u>22-10</u>
			41	<u>22-34</u>
			42	<u>22-3</u>
1769	12-11-79	Changing terms of police board members, repeals and re-enacts code § 6.01		<u>20-1</u>
1770	1-22-80	Amends code § 13.10 re service charges.	1	<u>23-11</u>
1771	1-22-80	Amends code Ch. 52 provides for stop sign.	1	<u>14-183</u>
1772	1-22-80	Amends sign ordinance.	1	<u>22-6</u>
1773	1-22-80	Amends code Ch. 52 pertaining to	1	14-185

1774	2-12-80	Amends code § 16.08 increases number of members of animal control board.	1	<u>6-3</u>
1775	2-12-80	Authorizes mayor to execute a quit claim deed.	O	
1776	2-12-80	Sale of real property.	O	
1777	2-12-80	Declares certain real property to be surplus property to be surplus property authorizes sale of same.	O	
1778	3-11-80	Grants a special use permit.	O	
1779	3-11-80	Grants a special use permit.	O	
1780	3-25-80	Directs mayor to execute a quit claim deed.	O	
1781	3-25-80	Increases municipal court cost by \$2.00.	1, 2	O
1782	4-22-80	Authorizes contract.	O	
1783	4-22-80	Grants special use permit.	O	
1784	4-22-80	Street improvements.	O	
1785	6-10-80	Amends code Ch. 52 pertaining to parking.	1	<u>14-185</u>
1786	6-10-80	Amends code Ch. 52 pertaining to parking.	1	<u>14-185</u>
1787	6-10-80	Adopts and enacts by reference type building, electrical, elevators, explosives, mechanical, plumbing, weights and measures code of St. Louis County as amended.	SB # 1824	
1788	6-24-80	Amends code Ch. 52 pertaining to	O	

1789	6-24-80	Grants franchise to Warner Annex Cable Communications.	O	
1790	7-8-80	Authorizes contract.	O	
1791	7-8-80	Authorizes contract.	O	
1792	8-12-80	Vacates street.	O	
1793	8-12-80	Vacates right-of-way.	O	
1794	8-12-80	Vacates streets.	O	
1795	8-12-80	Establishing annual tax levy for 1980.	O	
1796	8-12-80	Sets specific time for use of White Cliff park by general public.	RB # 845	
1797	8-26-80	Amends code Ch. 52 establishing fire lane.	I	
1798	9-10-80	Authorizes contract.	O	
1799	9-23-80	Special use permit granted.	O	
1800	10-14-80	Authorizes contract.	O	
1801	10-28-80	Grants special use permit.	O	
1802	10-28-80	Special use permit.	O	
1803	11-11-80	Amends code § 2.07 changing opening and closing date for candidates for office.	1	<u>8-5</u>
1804	11-11-80	Establishes annual tax levy for 1981.	O	
1805	12-9-80	Vacates avenues.	O	
1806	11-25-80	Amends code § 35.11 changing minimum age of those permitted to use mechanical amusements devices.	SB # 1875	
1807	1-13-81	Declares certain property to be	O	

		quit claim deed.		
1808	1-13-81	Amends code Ch. 52 pertaining to parking.	1	<u>14-185</u>
1809	1-17-81	Grants temporary use permit.	O	
1810	1-27-81	Grants special use permit.	O	
1811	1-27-81	Creates special permit.	O	
1812	3-10-81	Amends Ord. No. 1457 as amended per fire department's mutual aid agreement.	O	
1813	3-10-81	Declaring depositing of refuse to be a nuisance and amending § 53.41.	1	<u>16-49</u>
1814	3-10-81	Amends code <u>Ch. 5</u> re reserve fund.	1	<u>2-83, 2-110</u>
1815	3-10-81	Authorizes mayor to engage services of attorney.	O	
1816	3-24-81	Amends code <u>Ch. 13</u> rules and regulations.	1	<u>23-8</u>
1817	3-24-81	Amends <u>Ch. 26</u> re signs.	1	<u>22-6</u>
			2	<u>22-22</u>
			3	<u>22-23</u>
			4	<u>22-29</u>
			5, 6	<u>22-17</u>
			7	<u>22-18</u>
1818	4-28-81	Pertains to a special use permit.	O	
1819	4-28-81	Approves special use permit.	O	
1820	4-28-81	Approves special use permit.	O	
1821	4-28-81	Accepts contract	O	

1822	5-12-81	Approves a subdivision of land.	O	
1823	5-12-81	Repeals code § 53-27 dealing with damaging public and private property.	1	<u>16-28</u>
1824	5-26-81	Adopts by reference the building, electrical, elevator, explosives, mechanical, plumbing, weights and measures code of St. Louis County as amended.	1, 2	<u>7-1</u>
1825	5-26-81	Authorizes agreement.	O	
1826	6-9-81	Approves special use permit.	O	
1827	6-9-81	Amends code Ch. 52 declares a stop street.	1	<u>14-183</u>
1828	6-9-81	Amends Ord. No. 1824 by correcting the adoption date of the electrical code.	1	<u>7-1</u>
1829	7-14-81	Approves special use permit.	O	
1830	7-21-81	Adopts budget for 1981-1982	O	
1831	7-28-81	Vacates streets.	O	
1832	7-28-81	Establishes annual tax levy for 1981.	O	
1833	7-28-81	Approves special use permit.	O	
1834	7-28-81	Prescribes procedure to be followed in selection of members of a committee to make recommendation to mayor and board of aldermen.	O	
1835	8-25-81	Repeals code Ch. 51 pertaining to motor vehicle licenses the passage of this ordinance is dependent upon passage of the ordinance that the election which will be held in	O	

		November.		
1836	8-25-81	Provides for an election pertaining to Ord. No. 1835 which amends Ch. 51.	O	
1837	8-25-81	Amends Ch. 37 of code.	RB # 1839	
1838	8-25-81	Provides for an election to approve.	RB # 1839	
1839	9-1-81	Repeals Ord. No. 1837, and 1838.	R	
1840	1-8-81	Establishes minimum business license tax and amends Ch. 32, 36, 37 and 38 of the code.	1	<u>13-216</u>
1841	9-1-81	Provides for an election.	O	
1842	9-8-81	Amends code § 26.04 re temporary signs.	1	<u>22-7</u>
1843	10-13-81	Approves special use permit.	O	
1844	10-13-81	Establishes annual tax levy for the year 1981.	O	
1845	10-27-81	Repeals Ord. No. 1796, code § 10.30 dealing with opening and closing of city's parks.	1	<u>17-20</u>
1846	11-11-81	Amends Ord. No. 1830 which adopted fiscal year 1981-1982 budget.	O	
1847	12-8-81	Authorizes purchase of property.	O	
1848	12-8-81	Authorizes contracts.	O	
1849	12-8-81	Changes ward boundaries amending <u>Ch. 2.</u>	1	<u>8-1</u>
1850	1-26-82	Amends code Ch. 52 pertaining to stop intersections.	1	<u>14-183</u>

1851	1-26-82	Amends Ord. No. 1830 which adopted fiscal year 1981-1982 budget.	O	
1852	1-26-82	Amends code Ch. 52 pertaining to stop intersections.	1	<u>14-183</u>
1853	3-9-82	Amends code Ch. 52 pertaining to parking.	1	<u>14-185</u>
1854	3-9-82	Amends code Ch. 52 pertaining to parking.	1	<u>14-186</u>
1855	3-9-82	Authorizes sale of real property.	O	
1856	4-13-82	Amends code Ch. 52 re parking	1	<u>14-185</u>
1857	4-27-82	Amends code Ch. 52 re traffic.	1	<u>14-189</u>
1858	4-27-82	Repeals code § 52.79 pertaining to parking.	1—3	<u>14-185</u>
1859	5-11-82	Amends code § 3.03 pertaining to meetings of board of aldermen.	1	<u>2-23</u>
1860	5-11-82	Approves special use permit.	O	
1861	5-25-82	Authorizes contract.	O	
1862	6-8-82	Rezoning.	O	
1863	6-22-82	Zoning text amendment.	O	
1864	6-22-82	Authorizes contract.	O	
1865	6-22-82	Authorizes contract.	O	
1866	7-13-82	Amends Ord. No. 16 as amended pertains to re-zone.	O	
1867	7-13-82	Approves re-subdivision of a parcel of land.	O	
1868	7-13-82	Amends Ord. No. 16 and code <u>Ch. 21</u> pertaining to board of adjustment	1	26-9

1869	7-13-82	Approves special use permit.	O	
1870	7-27-82	Approves special use permit.	O	
1871	7-27-82	Approves special use permit.	O	
1872	8-24-82	Establishes annual tax levy for 1982.	O	
1873	8-24-82	Approves special use and occupancy agreement.	O	
1874	8-24-82	Amends Ord. No. 1457 pertaining to Crestwood's fire department mutual aid agreement.	O	
1875	9-14-82	Repeals and reenacts code Ch. 34 pertaining to coin-operated machines.	1	<u>13-107—13-122</u>
1876	9-14-82	Authorizing contract.	O	
1877	9-14-82	Amends special use permit.	O	
1878	10-26-82	Authorizes contract.	O	
1879	10-26-82	Approves special use permit.	O	
1880	10-26-82	Approves special use permit.	O	
1881	10-26-82	Amends agreement between Browning Ferris Industries and City of Crestwood.	O	
1882	10-26-82	Amends code § 52.792(a) and (d) pertaining to parking after snow fall.	2	<u>14-159</u>
1883	11-9-82	Amends code Ch. 52 pertaining to parking.	1	<u>14-185</u>
1884	11-9-82	Establishes annual tax levy for 1982.	O	
1885	11-9-82	Adds code § 39.09 re gross receipts.	1	<u>25-41</u>
1886	11-9-82	Adds code § 53.48 drug paraphernalia.	1	<u>16-54</u>

1887	11-9-82	Amends code Ch. 53 pertaining to parking.	2	<u>14-159</u>
1888	1-23-82	Amends special use permit.	O	
1889	1-11-83	Amends code § 53.44 pertaining to parking.	1	6-29
1890	1-11-83	Amends code Ch. 52 designating a certain area of city as a fire lane.	1	<u>14-186</u>
1891	2-8-83	Calls election to authorize fee and charge increases for services and facilities provided by parks and recreation department.	O	
1892	2-8-83	Calls special election to authorize a position of license fee upon coin-operated video game machines.	O	
1893	2-8-83	Amends code Ch. 52 pertaining to parking in certain areas.	1	<u>14-185</u>
1894	2-8-83	Approves special use and occupancy permit.	O	
1895	2-8-83	Approves special permit.	O	
1896	2-22-83	Amends Ord. No. 1457 pertaining to city fire department's mutual aid agreement with other cities.	O	
1897	2-22-83	Authorizes contract for improvements to city government center.	O	
1898	2-22-83	Approves special use permit.	O	
1899	3-8-83	Approves special use and occupancy permit.	O	
1900	3-8-83	Approves special use and occupancy permit.	O	

		ordinances.		
1902	3-22-83	Authorizes contract with Missouri Highway and transportation Commission in dealing with improvement of Route 366.	O	
1903	5-10-83	Approves special permit.	O	
1904	5-10-83	Approves special use and occupancy permit.	O	
1905	5-10-83	Approves subdivision of a parcel of property.	O	
1906	5-10-83	Approves special use and occupancy permit.	O	
1907	5-10-83	Amends Code § 52.79 by declaring there should be no parking on a certain part of a specific street.	O	
1908	5-24-83	Contracting with certain cities for an interchange of services of the fire department of the City of Crestwood and each of the other cities.	O	
1909	5-31-83	Advises for submission of a proposition to legal voters for approval or rejection of annexation.	O	
1910	6-14-83	Amends Ord. No. 1909 calling for submission of annexation proposition to legal voters.	O	
1911	6-28-83	Approves special use and occupancy permit for Crestwood Center Partnership.	O	
1912	7-12-83	Repeals code sections 52.59 and 52.89(b) and re-enacts section 52.59 pertaining to standards relating to bicycle equipment. lighting. etc.	II	<u>14-25</u>

1913	7-12-83	Repeals and reenacts code section 52.07 pertaining to operation and parking of motor vehicles without valid license plates.	II	<u>14-7</u>
1914	7-12-83	Adds new code section 52.90 pertaining to display of state and motor vehicle inspection certificate.	1	<u>14-8</u>
1915	7-12-83	Repeals code section 52.06(c)(1).	1	<u>14-10</u>
1916	7-12-83	Adds new subsection 52.54(f) pertaining to operation of buses.	1	<u>14-21</u>
1917	7-12-83	Adds new subsection 52.55(c) pertaining to operation of buses, certain trucks and other vehicles for hire.	1	<u>2-3, 14-123</u>
1918	7-12-83	Repeals and re-enacts § 52.08 pertaining to possession of a valid driver's license while operating a motor vehicle.	II	<u>14-9</u>
1919	7-19-83	Provides for annexation.	O	
1920	7-26-83	Amends ordinance Nos. 16 and 421 and subsection 21.21(a)(2).	O	
1921	7-26-83	Repeals and reenacts § 21.04 of zoning ordinance.	R	
1922	8-9-83	Tax levy for 1983.	O	
1923	8-9-83	Special use permit.	O	
1924	8-9-83	Renumbers Code sections 52.49 and 52.50 to be 53.49 and 53.50.	1	<u>16-30, 16-55</u>
1925	8-9-83	Special use and occupancy permit.	O	
1926	8-9-83	Special use and occupancy permit.	O	
1927	8-9-83	Special use permit.	O	

1928	9-6-83	Union Electric Co. Franchise.	O	
1929	9-6-83	Special election.	O	
1930	9-6-83	Amends Ch. 52.	1	<u>14-185</u>
1931	9-6-83	Amends Ch. 52.	1	<u>14-185</u>
1932	9-27-83	Special permit.	O	
1933	9-29-83	Authorizing Mayor to enter into contract.	O	
1934	10-11-83	Special use permit.	O	
1935	10-11-83	Accepts proposal.	O	
1936	10-25-83	Amends Ord. No. 1586, § 8-pensions.	O	
1937	10-25-83	Change in employee contributions to the Missouri Local Government Employee's Retirement System.	1	<u>2-172</u>
1938	10-25-83	Grants easement.	O	
1939	10-25-83	Adds new section (§ 53.49).	O	
1940	10-25-83	Annual tax levy.	O	
1941		Missing.		
1942	11-22-83	Mayor authorizes contract.	O	
1943	11-22-83	Amends § 34 of Municipal Code.	1	<u>13-106</u>
			2	<u>13-117</u>
1944	11-22-83	Special use and occupancy permit.	O	
1945	12-13-83	Declares result of an election.	O	
1946	12-13-83	Provides for lights of streets.	O	
1947	12-13-83	Amends contract between Browning-Ferris Industries and the city re solid	O	

1948	12-13-83	Special use and occupancy permit.	O	
1949	12-13-83	Special use and occupancy permit.	O	
1950	1-10-84	Rezoning.	O	
1951	1-24-84	Special use and occupancy permit.	O	
1952	1-24-84	Residential streetlighting.	1—3	<u>24-39</u>
1953	2-14-84	Special use and occupancy permit.	O	
1954	3-27-84	Yield sign.	1	<u>14-184</u>
1955	4-10-84	Landscaping contract.	NGA	
1956	4-10-84	Special use permit.	NGA	
1957	4-10-84	Special use permit.	NGA	
1958	4-24-84	Parking.	1	<u>14-185</u>
1959	4-24-84	Municipal Court.	II(8.01)— (8.07)	<u>15-1—15-6</u>
			II(8.32)	<u>15-7</u>
			II(8.08)— (8.32)	<u>15-8—15-32</u>
1960	5-8-84	Youth employment.	O	
1961	5-8-84	Youth employment.	O	
1962	6-12-84	Special use permit.	O	
1963	6-12-84	Rezoning.	O	
1964	7-10-84	Consulting services.	O	
1965	7-10-84	Repairing vehicles.	1	<u>16-50</u>
1966	7-10-84	Special use permit.	O	
1967	8-28-84	Special use permit.	O	

1968	8-28-84	Approval of plat.	O	
1969	8-28-84	Fire protection contract.	O	
1970	8-28-84	Occupancy permit.	O	
1971	8-28-84	Boats.	1	<u>16-51</u>
1972	8-28-84	Tax rate.	O	
1973		Missing.		
1974		Missing.		
1975		Missing.		
1976	10-23-84	Amends § 21.14	O	
1977	10-23-84	Orders installation of two fire hydrants.	O	
1978	10-23-84	Amends Ch. 51	1, 2	14-72
			1	14-73
1979	11-13-84	Amends Ord. No. 1789.	O	
1980	11-13-84	Re zoning of certain property.	O	
1981	11-13-84	Establishes annual tax rate for 1984.	O	
1982	11-27-84	Amends Ch. 2.07(a)	O	
1983	12-11-84	Designation of certain street; amends Ch. 52.	1	14-73
			2	<u>14-128, 14-190</u>
			3	<u>14-119, 14-183</u>
			4, 5	<u>14-157, 14-158</u>

			4	<u>14-185</u>
			5	<u>14-186</u>
1984	12-11-84	Grants consent of sale of Cable TV franchise.	O	
1985	12-11-84	New § 52.45.	1, 2	<u>14-125</u>
			2	<u>14-125.1,</u> <u>14-125.2</u>
1986	1-8-85	Amends Ord. No. 16 re zoning	O	
1987	1-22-85	Special use permit for certain person	O	
1988	1-22-85	Amends Ord. No. 16	O	
1989	2-12-85	Adopts, amends fire code	1	<u>9-36—9-41</u>
1990	2-12-85	Special use and occupancy permit	O	
1991	2-26-85	Stop intersection	1	<u>14-183</u>
1992	3-12-85	Approves final plat	O	
1993	3-12-85	Special use permit	O	
1994	3-27-85	Contract with county re summer youth employment program	O	
1995	3-27-85	Installation of fire hydrant	O	
1996	3-27-85	Salaries of mayor, aldermen	O	
1997	4-9-85	Special use permit	O	
1998	4-16-85	Pension for members of fire, police departments	1—17	2-191—2-207
1999	4-16-85	Classification of city employees	2	<u>18-8(1)</u>
2000	4-23-85	Adopts personnel manual	2	<u>18-3</u>

2002	4-23-85	Special use permit	O	
2003	5-14-85	Contract with WVP Corporation	O	
2004	5-14-85	Amends Ord. No. 1980	O	
2005	5-28-85	Approves subdivision of property	O	
2006	5-28-85	Special use permit	O	
2007	5-28-85	Tax on electric utilities	1	<u>25-45</u>
2008	6-11-85	Signs	1 Rpld	<u>22-20(d), (e)</u>
			2 Added	<u>22-20(d), (e), (i)</u>
			3, 4	<u>22-28</u>
2009	6-25-85	Approves contract	O	
2010	7-16-85	Special use permit	O	
2011	7-16-85	Final plat, 824 Clay Ave.	O	
2012	7-16-85	Agreement with county for enforcement of technical codes	1—6	<u>7-2</u>
2013	7-16-85	Adopts county technical codes	1, 2	<u>7-1</u>
2014	7-16-85	Special use and occupancy permit	O	
2015	7-16-85	Special use permit	O	
2016	7-16-85	Amends Ord. No. 1980	O	
2017	8-13-85	Special use and occupancy permit	O	
2018	8-13-85	Rezoning	O	
2019	8-13-85	Special use permit	O	
2020	8-13-85	Amends Ord. No. 2014	O	
2021	8-27-85	1985 Tax law	O	

2022	8-27-85	Special permit	O	
2023	8-27-85	Rezoning	O	
2024	9-10-85	Special use permit	O	
2025	9-10-85	Special use permit	O	
2026	9-10-85	Amends Ord. No. 1980	O	
2027	9-24-85	No-parking zones	1	14-85
2028	9-24-85	Earth satellite dish antennas	1	<u>7-18</u>
2029	9-24-85	Special use permit	O	
2030	10-8-85	Through streets and stop intersections	1	<u>14-183</u>
2031	10-8-85	Yield intersections	1	<u>14-184</u>
2032	10-8-85	No-parking zones	1	<u>14-185</u>
2033	10-8-85	Alcoholic beverage licenses	1	<u>5-42(3)</u>
			2	<u>5-48</u>
			3	<u>5-20</u>
2034	10-8-85	Adopts Code	1	Adopting Ordinance, p. ix
2035	11-12-85	1985 tax levy	O	
2036	11-12-85	Special use permit	O	
2037	11-12-85	Special use permit	O	
2038	11-12-85	Special use permit	O	
2039	11-12-85	Special use permit	O	
2040	11-26-85	Agreement with state highway commission	NGA	

2041	12-17-85	Zoning map amendment	NGA	
2042	12-17-85	Special use permit	O	
2043	12-17-85	Special use and occupancy permit	O	
2044	12-17-85	Special use and occupancy permit	O	
2045	1-14-86	Fire lanes; no parking	1	<u>14-186</u>
2046	2-11-86	Special use permit	O	
2047	2-11-86	Special use permit	O	
2048	2-11-86	Special use permit	RB #3184	
2049	2-25-86	Amends Ord. No. 1911	O	
2050	3-11-86	Special use permit	O	
2051	3-25-86	Amends Ord. No. 16 (Zoning)	Pending	
2052	3-25-86	Agreement with South County Fire Alarm Association	NGA	
2053	3-25-86	Drive-in theaters	1	<u>13-34.5</u>
2054	3-25-86	Special use permit	O	
2055	4-22-86	Maintains tax rate	NEC	
2056	5-13-86	Special use permit	NGA	
2057	5-27-86	Contract with county re summer youth employment program	NEC	
2058	6-10-86	Prohibits sale of certain animals and fowl	1	<u>6-12</u>
2059	6-10-86	Special use permit	NGA	
2060	6-24-86	Special use permit	NGA	
2061	6-24-86	Special use permit	NGA	

2062	6-24-86	Special use permit	NGA	
2063	6-24-86	Amends Ord. No. 16 (Zoning)	Pending	
2064	8-5-86	Tax levy for 1986	NEC	
2065	8-5-86	Special use permit	NGA	
2066	8-5-86	Public nuisances	1	<u>6-1</u>
			2	<u>6-13</u>
2067	8-5-86	Exchange agreement with G. J. Grewe, Inc.	NGA	
2068	8-5-86	Letter of credit	NGA	
2069	9-9-86	Agreement with Gateway Hazardous Materials Emergency Response Network, Inc.	NGA	
2070	9-9-86	Amends Ord. No. 1975, special use permit	NGA	
2071	10-14-86	Regulates sale of certain animals and fowl; repeals Ord. No. 2058	1 Rpld	<u>6-12</u>
			2 Added	<u>6-12</u>
2072	10-14-86	Special use permit	NGA	
2073	10-14-86	Subdivision development plans	NGA	
2074	10-14-86	Approves subdivision proposal	NGA	
2075	10-14-86	Special use permit	NGA	
2076	10-14-86	Special use permit	NGA	
2077	10-28-86	Special use permit	NGA	
2078	10-28-86	No parking area	1	<u>14-185</u>
2079	10-28-86	Trash containers	1	<u>22-1/21</u>

2080	11-11-86	Procedure to fill vacancies in certain municipal offices	1	<u>2-51</u>
2081	11-25-86	Special permit for construction	NGA	
2082	1-13-87	Special use permit	NGA	
2083	1-13-87	Special use permit	NGA	
2084	1-13-87	Letting of contracts; notice for bids	1	<u>2-124(a), (c)</u> (1), (2)
			2	<u>2-125(a), (e)</u>
2085	1-27-87	"Garage" or other sales	1	<u>13-2</u>
2086	1-27-87	No left turns	2	<u>14-187</u>
2087	2-10-87	Execution of contract	NGA	
2088	2-10-87	Rezoning	NGA	
2089	2-24-87	Special use permit	NGA	
2090	2-24-87	Lease agreement	NGA	
2091	3-24-87	Variances	NGA	
2092	4-14-87	Special permit	NGA	
2093	4-14-87	Stop intersections	1	<u>14-183</u>
2094	4-14-87	Amends Ord. No. 16 (Zoning)	Pending	
2095	4-28-87	Special use permit	NGA	
2096	5-12-87	Street improvement	NGA	
2097	5-12-87	Special permit	NGA	
2098	5-12-87	Special use permit	NGA	
2099	5-12-87	Special permit	NGA	
3000	5-12-87	Special permit	NGA	

3001	6-9-87	Variance	NGA	
3002	6-9-87	Amends Ord. No. 2043, special use and occupancy permit	NGA	
3003	6-9-87	Special use permit	NGA	
3004	6-23-87	Special permit	NGA	
3005	6-23-87	Vacates right-of-way	NGA	
3006	6-23-87	Approval of plat and survey	NGA	
3007	6-23-87	Contract with City of Oakland for fire protection	NEC	
3008	6-23-87	Special use permit	NGA	
3009	6-23-87	Night and Sunday business operations	1	<u>13-37(b)</u>
3010	6-23-87	Agreement to procure energy management services	NGA	
3011	6-23-87	Employment contract for James L. Sullivan	NGA	
3012	7-14-87	Special permit	NGA	
3013	7-14-87	Amends Ord. No. 16, rezoning	NEC	
3014	7-14-87	Contract with Campbell Design Group	NGA	
3015	7-14-87	Special use permit	NGA	
3016	7-14-87	Special use permit	NGA	
3017	7-28-87	Amends Ord. No. 1906, special use permit	NGA	
3018	7-28-87	Special use permit	NGA	
3019	7-28-87	Design of traffic control signs, signals and devices	1	<u>14-52</u>

3020	7-28-87	Parking prohibited in certain areas in parks	1	<u>17-10</u>
3021	8-25-87	1987 tax levy	NEC	
3022	8-25-87	Approves final plat	NGA	
3023	8-25-87	Purchase of firefighting equipment	NGA	
3024	9-8-87	Partial stop intersection	1	<u>14-183</u>
3025	9-8-87	Seat belts; child passenger restraint systems	1, 2	<u>14-93, 14-94</u>
3026	9-8-87	Special use permit	NGA	
3027	9-8-87	No parking zone	1	<u>14-185</u>
3028	9-8-87	Special use permit	NGA	
3029	9-8-87	Amends Ord. No. 16, rezoning	NEC	
3030	10-13-87	Contracts for mutual fire protection	NEC	
3031	10-27-87	Special permit	NGA	
3032	11-10-87	Special permit	NGA	
3033	11-10-87	Speed limits	1, 2	<u>14-190</u>
3034	11-10-87	Special use permit	NGA	
3035	11-10-87	Special use permit	NGA	
3036	11-24-87	Building maintenance, anti-blight	1	7-51—7-60
3037	11-24-87	Agreement for replacement of bridge	NGA	
3038	1-26-88	Contract for legal services	NGA	
3039	1-26-88	Authorizes employment contract	NGA	
3040	1-26-88	Sale, transfer of CATV franchise	NGA	

3042	1-26-88	Amends Ord. No. 1997, special use permit	NGA	
3043	2-9-88	Amends zoning code	Pending	
3044	2-9-88	Amends zoning code	Pending	
3045	2-9-88	Amends zoning code	Pending	
3046	2-9-88	Amends Ord. No. 16, rezoning	NGA	
3047	2-9-88	Amends Ord. No. 16, rezoning	NGA	
3048	2-9-88	Special use permit	NGA	
3049	2-9-88	Special use permit	NGA	
3050	2-9-88	Special use permit	NGA	
3051	2-23-88	Amends Ord. No. 1974	NGA	
3052	2-23-88	Hours for premises with liquor licenses	1	<u>5-26</u>
3053	2-23-88	Grants variances	NGA	
3054	3-8-88	Special permit	NGA	
3055	3-8-88	Engineering review of plans	1	<u>2-60.1</u>
3056	4-12-88	Blight area	NEC	
3057	4-12-88	Blight area	NEC	
3058	4-12-88	Dumpster enclosure	NEC	
3059	4-26-88	Special use permit	NGA	
3060	5-10-88	Special use permit	NGA	
3061	5-10-88	Grants variance	NGA	
3062	5-24-88	Special use permit	NGA	

			2	<u>6-8(g)</u>
			3	<u>6-5(b)(6)</u>
			4 Rpld	<u>6-11</u>
			Added	<u>6-11</u>
3064	6-14-88	Special use permit	NGA	
3065	6-14-88	Stop intersections	1	<u>14-183</u>
3066	6-14-88	Rezoning	NEC	
3067	6-14-88	Special use permit	NGA	
3068	6-28-88	Approves final plat	NGA	
3069	6-28-88	Special use permit	NGA	
3070	7-12-88	Special permit	NGA	
3071	7-12-88	Special permit	NGA	
3072	7-12-88	Contract for legal services	NEA	
3073	7-12-88	Approves final plat	NGA	
3074	7-26-88	Special permit	NGA	
3075	7-26-88	Approves final plat	NGA	
3076	7-26-88	Amends Ord. No. 16, rezoning	NGA	
3077	7-26-88	Contracts for equipment operation and maintenance services	NEC	
3078	8-23-88	1988 tax levy	NEC	
3079	8-23-88	Amends zoning code	Pending	
3080	8-23-88	Approves easements	NEC	
3081	9-13-88	Adoption of ordinances	1	2-29

3082	9-13-88	Approves final plat	NGA	
3083	9-20-88	Dangerous animals	1	<u>6-11(a)(5)</u>
			2	<u>6-11(d)(3)</u>
			3	<u>6-11(e)</u>
3084	9-20-88	Contract for fire prevention	NEC	
3085	10-11-88	No parking	1	<u>14-185</u>
3086	10-11-88	Special permit	NGA	
3087	10-11-88	Special use permit	NGA	
3088	10-11-88	Amends Ord. No. 2072 and grants special use permit	NGA	
3089	10-25-88	Candidates for office	1	<u>8-5</u>
3090	10-25-88	Special use permit		
3091	11-15-88	Special use permit		
3092	11-15-88	Special use permit		
3093	11-15-88	Special use permit	NGA	
3094	11-22-88	Special use permit	NGA	
3095	11-22-88	Amends Ord. No. 3008	NGA	
3096	1-10-89	Contract	NGA	
3097	1-24-89	County codes	1	<u>7-1</u>
3098	1-24-89	Contract	NGA	
3099	1-24-89	Accepts street for maintenance	NGA	
3100	1-24-89	Accepts street for maintenance	NGA	
3101	1-24-89	Amends Ord. No. 3092	NGA	

3103	2-14-89	Special use permit	NGA	
3104	3-7-89	Flood control	1 Rpld	<u>10-1</u> —10-16
			1(A)— (C) Added	<u>10-1</u> —10-3
			1(D)(1)— (6) Added	<u>10-4</u> —10-9
			1(E)(1)— (3) Added	10-21—10-23
			1(E)(4), (5) Added	10-24
			1(F)(1)— (4) Added	10-31—10-34
3105	4-11-89	Development plan	1(G), (H) Added	10-35, 10-36
3106	4-11-89	Solid waste storage	NGA	
3107	4-11-89	Amends Ord. No. 1974	1	<u>23-3</u> (d)
3108	4-11-89	Amends Ord. No. 3067	NGA	
3109	4-25-89	Adoption of impounded animals	<u>6-5</u> (g)	
3110	4-25-89	Contract	NGA	
3114	6-13-89	Special use permit	NGA	
3115	6-13-89	Approves final plat	NGA	
3116	6-27-89	Emergency medical service incident	1. 2	9-21

3117	6-27-89	Fire hydrant installation	NGA	
3118	7-11-89	Police and fire pensions	1—17	2-191—2-207
3119	7-11-89	Development plan	NGA	
3120	7-11-89	Special use permit	NGA	
3121	7-11-89	Amends Ord. No. 2039	NEC	
3122	8-22-89	Special permit	NGA	
3123	8-22-89	1989 tax levy	NGA	
3124	8-22-89	Amends Ord. No. 3035	NEC	
3125	9-12-89	Candidacy filing date	1	<u>8-5(b)</u>
3126	9-12-89	Adoption of ordinances	1	<u>2-29(c)</u>
3127	9-12-89	Special use permit	NGA	
3128	9-12-89	Special use permit	NGA	
3129	9-12-89	Special permit	NGA	
3130	9-12-89	Amends Ord. No. 16; rezones	NEC	
3131	9-12-89	Contract for legal services	NGA	
3132	9-26-89	Signs	1	<u>22-1</u>
			2 Rpld	<u>22-10, 22-11</u>
			Added	<u>22-10</u>
3133	9-26-89	Residential streetlighting	1	<u>24-39(d)</u>
3134	10-3-89	Special use permit	NGA	
3135	10-3-89	Special use permit	NGA	

3136	10-3-89	Amends Ord. No. 3102	NEC	
3137	10-24-89	Agreement	NGA	
3138	10-24-89	Amends Ord. No. 3016	NEC	
3139	11-14-89	Special permit	NGA	
3140	11-14-89	Zoning code	1(1.01— 1.05)	<u>26-131</u> —2
				135
			1(2.01, 2.02)	<u>26-141</u> , 26- 1
			1(3.01— 3.05)	<u>26-151</u> —2
				155
			1(4.01— 4.08)	<u>26-161</u> —2
				168
			1(5.01— 5.09)	<u>26-181</u> —2
				189
			1(6.01— 6.04)	<u>26-221</u> —2
				224
			1(7.01— 7.06)	<u>26-231</u> —2
				236
			1(8.01— 8.14)	<u>26-251</u> —2

			1(9.01— 9.10)	<u>26-281</u> —2
				290
			1(Art. 10)	<u>26-301</u>
			1(10.01, 10.02)	<u>26-302</u> , 26- 3
			1(11.01 —11.07)	<u>26-321</u> —2
				327
			1(12.01 —12.07)	<u>26-341</u> —2
				347
			1(13.01 —13.09)	<u>26-361</u> —2
				369
			1(14.01)	<u>26-381</u>
			1(14.01A — 14.01E)	<u>26-382</u> —2
				386
			1(Art. 15)	<u>26-401</u>
			3	26-1—26- 11
3141	11-14-89	Special use permit	NGA	
3142	11-14-89	Contract	NGA	
3143	11-28-89	Rezoning	NGA	

3145	12-12-89	Final plat approval	NGA	
3146	1-9-90	Police/fire pensions	1, 2	2-200(2.07), (4.04)
3147	1-9-90	Final average salary	NGA	
3148	1-23-90	Amends Ord. No. 3067; special permit	RB #3193	
3149	2-13-90	Conditional use permit	NGA	
3150	2-26-90	Contract	NGA	
3151	3-27-90	Conditional use permit	NGA	
3152	4-25-90	Settlement agreement		
3153	4-25-90	Special use permit	NGA	
3154	5-8-90	Special permits	1, 2	<u>22-2(b)(2),</u> (g)
			3	<u>22-1</u>
3155	5-8-90	Settlement agreement	NGA	
3156	5-8-90	Conditional use permit	NGA	
3157	5-8-90	Grants easements	NGA	
3158	6-12-90	Contract	NGA	
3159	5-22-90	Signs	1(A), (B)	22-17.1, 22- 17.2
3160	6-12-90	Contract	NGA	
3161	6-12-90	Special permit	NGA	<u>14-185</u>
3162	6-26-90	Settlement agreement	NGA	
3163	6-26-90	Parking	1	

3165	7-24-90	Memorandum of understanding	NGA	
3166	7-24-90	Site plan approval	NGA	
3167	8-28-90	1990 tax levy	NGA	
3168	8-28-90	Site plan approval	NGA	
3169	9-11-90	Special permit	NGA	
3170	9-25-90	Conditional use permit	NGA	
3171	10-23-90	Conditional use permit	NGA	
3172	10-23-90	Stop intersections	1	<u>14-183</u>
3173	11-14-90	Conditional use permit	NGA	
3174	11-13-90	Conditional use permit	NGA	
3175	11-11-90	Purchases by city administrator	1	<u>2-53(i)(8)</u>
3176	11-11-90	Zoning definitions; conditional uses	1	<u>26-142</u>
			2	<u>26-401</u>
3177	12-11-90	Contract for recycling services	NGA	
3178	1-22-91	Acting president of board of aldermen	1	<u>2-22</u>
3179	2-12-91	Conditional use permit	NGA	
3180	2-12-91	Animals and fowl	1	<u>6-1</u>
			2	<u>6-7(e)</u>
3181	2-26-91	Shop intersections	1	<u>14-183</u>
3182	3-12-91	Contract for ambulance service	NGA	
3183	3-12-91	Zoning definitions, regulations	1	<u>26-142</u>
3184	4- 9-91	Conditional use permit; repeals Ord. No. 2048	NGA	

3186	4-23-91	Amends <u>Ch. 13</u> , Art. II, Div. 4 pertaining to coin-operated machines	1	<u>13-106</u> , <u>13-117(a)(2)</u> <u>13-118</u> , <u>13-122</u>
3187	4-23-91	Conditional use permit	NGA	
3188	4-23-91	Installation of fire hydrant	NGA	
3189	5-14-91	Amends <u>Ch. 7</u> pertaining to building code by addition provisions re: fire hydrants and water supply	1	<u>7-19</u>
3190	5-14-91	Special use permit	NGA	
3191	6-11-91	Amends <u>Ch. 15</u> pertaining to municipal court	1	<u>15-33</u>
3192	6-11-91	Amends <u>Ch. 10</u> pertaining to flood damage control	1	<u>10-3</u>
3193	6-11-91	Conditional use permit; repeals Ord. No. 3148	NGA	
3194	6-25-91	Conditional use permit	NGA	
3195	7-23-91	1991 tax levy	NGA	
3196	7-23-91	Zoning land use amendment	1	<u>26-401</u>
3197	8-27-91	City officers; disclosure of conflicts of interest	1	<u>2-66</u>
3198	9-10-91	Special use permit	NGA	
3199	10- 8-91	Conditional use permit	NGA	
3200	10- 8-91	Conditional use permit	NGA	
3201	11-12-91	Amends zoning	1	<u>26-166(d)</u> (7)a.4.

			2	<u>26-167</u> (d) (6)a.2.
3202	11-12-91	Amends Ord. No. 3061, relating to a variance	NGA	
3203	11-26-91	Authorization to vacate portion of avenue	NGA	
3204	11-26-91	Amends <u>Ch. 9</u> , pertaining to the fire department	1	
3205	12-10-91	Approves agreement	NGA	<u>9-22—9-33</u>
3206	12-10-91	Conditional use permit	NGA	
3207	2-11-92	Fire prevention	1	
3208	2-11-92	Contract	NGA	<u>9-36, 9-37</u>
3209	2-25-92	Annexation	NGA	
3210	2-11-92	Rezoning	NGA	
3211	2-25-92	No-left-turn areas	1	<u>14-187</u>
3212	2-25-92	Conditional use permit	NGA	
3213	2-25-92	Conditional use permit	NGA	
3214	3-10-92	Installation of fire hydrant	NGA	
3215	4-14-92	Conditional use permit	NGA	
3217	5-12-92	Flood control	1	<u>10-3</u>
3218	5-26-92	Signs	1	<u>22-6</u> (4)
3219	5-26-92	Solid waste	1	22-17.2(5)
				<u>23-10</u> (6)
3220	5-26-92	Building regulations	1	7-56(a)(9),

3221	6- 9-92	Composting	1	<u>23-12</u>
3222	6- 9-92	Building regulations	1	7-56(b)(5)
3223	6-23-92	Plat approval	NGA	<u>2-2.1</u>
3224	6-23-92	Official city logo	1	
3225	6-23-92	Nuisances	1	<u>16-56</u>
3226	7-28-92	Contract	NGA	<u>14-183</u>
3227	7-28-92	Motor vehicles	1	
3228	8-25-92	No smoking in city buildings	1	<u>16-57</u>
3229	8-25-92	Conditional use permit	NGA	
3230	8-25-92	Conditional approval for site plan	NGA	
3231	8-25-92	Conditional use permit	NGA	
3232	8-25-92	Conditional approval for site plan	NGA	
3233	9- 8-92	Tax levy	NGA	
3234	9-22-92	Signs	1	<u>22-1</u>
			2	<u>22-2(b)(2)</u>
			3 Rpld	<u>22-5</u>
			4	<u>22-6(14), (15), (18)</u>
			5 Rpld	<u>22-16</u>
			6	22-17.3
			7	<u>22-18(f)</u>
			8	22-38
			9 Rpld	<u>22-2(g)</u>

				<u>22-12</u>
			Rpld	<u>22-13</u>
			10	<u>22-25(h)</u>
3235	10- 6-92	Grant of easement	NGA	
3236	10- 6-92	Gas license tax	1	<u>25-44</u>
3237	11-10-92	Zoning	1	<u>26-142</u>
			2	<u>26-401</u>
3238	11-10-92	Zoning	1	<u>26-166(d)(4)</u>
			2	<u>26-167(d)(4)</u>
			3	<u>26-183(a),</u> (b)
3239	11-24-92	Gas license tax	1	<u>25-44</u>
3240	11-24-92	Deposit of newspapers	1	<u>16-35.1</u>
3241	12- 8-92	Authorization to render mutual aid or emergency assistance	1	2-65.1
3242	12- 8-92	Contract	NGA	
3243	12- 8-92	Contract	NGA	
3244	1-12-93	Rank of police chief	1 Rpld	<u>20-5</u>
3245	1-12-93	Agreement	NGA	
3246	1-26-93	Access to smoke-free air	1	<u>16-58</u>
3247	1-26-93	Political posters and banners	1	<u>22-7(6)</u>
3248	1-26-93	Motor vehicles and traffic	1	<u>14-185</u>
3249	2- 9-93	Conditional use permit	NGA	

3251	3- 9-93	Contract	NGA	
3252	3- 9-93	Municipal court; added cost for expenses for shelters	1	<u>15-31(e)</u>
3253	3- 9-93	Conditional approval for site plan	NGA	
3254	4-13-93	Motor vehicles and traffic	1	<u>14-183</u>
3255	4-27-93	Sign commission	1	<u>22-2(a)</u>
3256	5-25-93	Utility service	1, 2	<u>7-20</u>
3257	5-25-93	Destruction of city records	1	<u>2-6(b)</u>
3258	5-25-93	Storm and wastewater committee	1	<u>21-6</u>
3259	5-25-93	Office of civil preparedness	1	<u>2-65(a), (b), (f), (j)</u>
			2 Rpld	<u>2-65(d), (l)</u>
			Rnbd	<u>2-65(e)—(k)</u>
			As	<u>2-65(d)—(j)</u>
3260	5-25-93	Grant of conditional use permit	NGA	
3261	5-25-93	Grant of conditional use permit	NGA	
3262	6- 8-93	Alcoholic beverages	1	<u>5-42(4)</u>
3263	6- 8-93	Grant of conditional use permit	NGA	
3264	6- 8-93	Site plan approval	NGA	
3265	6- 8-93	Grant of conditional use permit	NGA	
3266	6- 8-93	Site plan approval	NGA	
3267	7-13-93	Authorization of alley vacation	NGA	
3268	7-13-93	Conditional use permit	NGA	

3270	7-13-93	Zoning	1(9.01— 9.11)	<u>26-281— 26-292</u>
			2 Rpld	<u>26-166(d) (7)b.</u>
3271	7-13-93	Zoning	1	<u>26-302(b) (3)c.</u>
3272	7-13-93	Secondary employment of police officers	1	<u>20-15(d)</u>
3273	7-13-93	Powers of arrest by police department	1	<u>20-8</u>
3274	7-27-93	Conditional use permit	NGA	
3275	7-27-93	Election on sales tax	1	<u>25-21</u>
3276	7-27-93	Election on sales tax	1	<u>25-24</u>
3277	7-27-93	Annual tax levy	NGA	
3278	8-24-93	Zoning	1, 2	<u>26-188(a), (b)</u>
3279	8-24-93	Licenses and business regulations	1	<u>13-19(d)</u>
3280	8-24-93	Administrative conflicts of interest	1	<u>2-66</u>
3281	8-24-93	Speed limits	1	<u>14-190</u>
3282	10-12-93	Approved of extension agreement	NGA	<u>14-190</u>
3283	10-12-93	Conditional use permit	NGA	
3284	10-26-93	Conditional use permit	NGA	
3285	10-26-93	Fire protection services between cities	NGA	
3286	10-26-93	Speed limits	1	
3287	11- 9-93	Site plan approval	NGA	

		avenues, etc.		
3289	12-14-93	Plat approval	NGA	
3290	1-25-94	Conditional use permit	NGA	
3291	1-25-94	Selection/procurement of architectural, engineering, and land surveying services	1	2-128—2-135
3292	1-25-94	Rezoning	NGA	
3293	2-22-94	Agreement	NGA	
3294	2-22-94	Compensations of municipal court judge and prosecuting attorney	1 2	<u>15-3(e)</u> <u>15-7</u>
3295	3- 8-94	Site plan approval	NGA	
3296	3- 8-94	Site plan approval	NGA	
3297	3-22-94	Vacation of interest in easements	NGA	
3298	3-22-94	Plat approval	NGA	
3299	3-22-94	Conditional use permit	NGA	
3300	3-22-94	Plat approval	NGA	
3301	4-12-94	Public works board	1	<u>2-61(a)</u>
3302	4-12-94	Plat approval	NGA	
3303	4-26-94	Site plan approval	NGA	
3304	4-26-94	Grant of easement	NGA	
3305	5-10-94	No parking zones	1	<u>14-185</u>
3306	5-10-94	Basic cable rates	1—9	<u>7.5-51</u> —7.5-59
3307	5-10-94	Site plan approval	NGA	
3308	5-10-94	Conditional use permit	NGA	

3309	6-22-94	Fire hydrant installation	NGA	
3310	6-28-94	Call for election re: Charter	NGA	
3311	6-28-94	Alcoholic beverage fees	1	<u>5-26(c)</u>
			2	<u>5-42(5)</u>
3312	7-26-94	Site plan approval	NGA	
3313	7-26-94	Agreement	NGA	
3314	8-23-94	Annual rate of tax levy	NGA	
3315	8-23-94	Disclosure of potential conflicts of interest	1	<u>2-66</u>
3316	8-23-94	Annexation	NGA	
3317	8-23-94	Annexation	NGA	
3318	9-13-94	Grant of easement	NGA	
3319	9-21-94	Annexation	NGA	
3320	9-27-94	Liquor sales on Sunday	1	<u>5-26(b)</u>
			2	<u>5-42(4)</u>
3321	9-27-94	Agreement	NGA	
3322	9-27-94	Sappington House regulations	1	<u>17-21</u>
3323	10-11-94	Signs	1	<u>22-2(a), (e)</u>
			2	<u>22-9(b)</u>
			3	<u>22-10(a)</u>
3324	10-11-94	Site plan approval	NGA	
3325	10-11-94	Conditional use permit	NGA	
3326	10-11-94	Conditional use permit	NGA	

			Added	
3328	11-22-94	Agreement	NGA	
3329	11-22-94	Grant of franchise transfer	NGA	
3330	11-22-94	Approval of vacant lot sale	NGA	
3331	11-22-94	Conditional use permit	NGA	
3332	1-24-95	No-right-turn locations	1	<u>14-116(f)</u>
			2 Added	<u>14-188.1</u>
3333	1-24-95	Site plan approval	NGA	
3334	1-24-95	Conditional use permit	NGA	
3335	1-24-95	Conditional use permit	NGA	
3336	2-14-95	Stop intersections	1, 2	<u>14-183, 14-184</u>
3337	2-14-95	Site plan approval	NGA	
3338	2-28-95	Fire lanes	1	<u>14-186</u>
3339	2-28-95	Fire lanes	1	<u>14-186</u>
3340	3-14-95	Posting of street address numbers	1 Added	<u>9-34</u>
3341	3-14-95	Amends Ordinance No. 2039, granting special use permit	NEC	
3342	4-11-95	Final plat approval	NGA	<u>7-1</u>
3343	4-25-95	Adoption of county codes	1	
3344	4-25-95	Agreement	NGA	
3345	5- 9-95	Signs	1	<u>22-6(1), (8)</u>
			2	22-17.1(6)

			3	<u>22-18(a)—</u> (c)
			4 Dltd	<u>22-18(d)</u>
			5 Dltd	<u>22-33(e)</u>
3346	5- 9-95	Borrowing funds to pay for fire truck	NGA	
3347	5- 9-95	Posting of street address numbers	1	<u>9-34(a)</u>
3348	5- 9-95	Amends Ordinance No. 3307, approving site plan	NEC	
3349	5- 9-95	Zoning	1 Added	<u>26-190</u>
			2 Rpld	<u>26-166(d)</u> (7)a.4.
				<u>26-167(d)</u> (6)a.2.
				<u>26-303(k)</u>
3350	5-23-95	Public nuisances	1 Added	<u>16-56(b)(5)</u>
3351	6-13-95	Agreement	NGA	
3352	6-13-95	Adoption of county codes	1	<u>7-1</u>
3353	6-13-95	Contract agreement	NGA	
3354	6-13-95	Acceptance of property for maintenance by city	NGA	
3355	6-27-95	Assessment of court costs for police officer training	1	<u>15-31(d)</u>
3356	7-11-95	Site plan approval	NGA	
3357	7-11-95	Site plan approval	NGA	

			Added	
3359	7-25-95	Business opening/closing during license year	1	<u>13-206</u>
3360	7-25-95	Motor vehicles and traffic	1	<u>14-119</u>
			2	<u>14-183</u>
3361	7-25-95	Motor vehicles and traffic	1	<u>14-184</u>
3362	7-25-95	Motor vehicles and traffic	1	<u>14-185</u>
3363	7-25-95	Motor vehicles and traffic	1	<u>14-186</u>
3364	7-25-95	Conditional use permit	NGA	
3365	7-25-95	Zoning	1 Added	<u>26-182(b)</u>
			2	<u>26-182(c)</u>
			3 Rltd	<u>26-182(c)</u>
			As	<u>26-182(d)</u>
3366	7-25-95	Dish antennas	1 Rpld	<u>7-18</u>
3367	8-17-95	Annual tax levy	NGA	
3368	8-17-95	Administration	1	<u>2-66</u>
3369	8-17-95	Agreement	NGA	
3370	8-17-95	Agreement	NGA	
3371	8-17-95	Agreement	NGA	
3372	8-17-95	Site plan approval	NGA	
3373	9-12-95	Agreement	NGA	
3374	9-12-95	Agreement	NGA	
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			Added	26-320
3376	9-12-95	Repeal of sections, streets and sidewalks	1 Rpld	<u>17-3,</u>
				<u>24-10(b),</u>
				<u>24-14, 24-15</u>
			2	<u>24-10(a)</u>
3377	9-12-95	Public nuisances	1 Added	<u>16-56(b)(6)</u>
3378			1a. Added	<u>26-161(d)(7)</u>
			1b. Rnbd	<u>26-161(d)(7)</u>
			As	<u>26-161(d)(8)</u>
			1c. Added	<u>26-162(d)(7)</u>
			1d. Rnbd	<u>26-162(d)(7)</u>
			As	<u>26-162(d)(8)</u>
			1e. Added	<u>26-163(d)(7)</u>
			1f. Rnbd	<u>26-163(d)(7)</u>
			As	<u>26-163(d)(8)</u>
			1g. Added	<u>26-164(d)(7)</u>
			1h.	<u>26-164(d)(7)</u>

			As	<u>26-164(d)(8)</u>
			1i. Added	<u>26-165(d)(7)</u>
			1j. Rnbd	<u>26-165(d)(7)</u>
			As	<u>26-165(d)(8)</u>
			1k.	<u>26-166(d)</u> (7)a.
			1l.	<u>26-167(d)(6)</u>
			1m.	<u>26-168(c)</u> (2)a.8.
			1n.	<u>26-168(c)(4)</u>
			1o.	<u>26-183(f)</u>
			1p.	<u>26-232(a)(9)</u>
			1q. Dltd	<u>26-233(f)</u>
				<u>26-233(g)</u>
			1r.	<u>26-234</u>
			1s.	<u>26-284(h),</u> (j)
			1t.	<u>26-303(j),</u> (k)
3379	9-26-95	Cable television franchises	1—14	<u>7.5-71—7.5-</u> 84
3380	9-26-95	Franchise renewal	NGA	
3381	9-26-95	Agreement	NGA	

3382	10-10-95	Memorandum approval	NGA	
3383	10-10-95	Motor vehicles and traffic	1	<u>14-185</u>
3384	10-10-95	Subdivisions and land development	1 Added	<u>26-51</u> —26-61
				<u>26-71</u> —26-93
				<u>26-101</u> —26-113
				<u>26-121</u> , <u>26-122</u>
				<u>26-130.1</u> —26-130.27
				<u>26-130.21</u> —26-130.28
			2 Rpld	<u>26-81</u> —26-103
3385	10-10-95	Site plan approval	NGA	
3386	10-24-95	Sales tax	NGA	
3387	10-24-95	Streets	1	<u>7-81</u> —7-90
			2 Added	<u>7-95</u> —7-101
3388	11-11-95	Site plan approval	NGA	<u>13-185</u> —13-193
3382	11-28-95	Outpatient surgical treatment centers	1 Added	
3390	11-28-95	Contract approval	NGA	
3391	12-12-95	Agreement	NGA	
3392	12-12-95	Alcohol and controlled substances	1	<u>18-15</u>

3393	1-23-96	Building code	1	<u>7-1(2)</u>
3394	1-23-96	Zoning and subdivision regulations	1	<u>26-</u> 130.22(a) (3)e.
				<u>26-130.28</u>
3395	2-13-96	Agreement	NGA	
3396	2-13-96	Grant of easement	NGA	
3397	2-13-96	Site plan approval	NGA	
3398	2-27-96	Agreement	NGA	
3399	2-27-96	Agreement	NGA	
3400	2-27-96	Agreement	NGA	
3401	2-27-96	Agreement	NGA	
3402	3-12-96	Agreement	NGA	
3403	3-12-96	Agreement	NGA	
3404	3-12-96	Agreement	NGA	
3405	3-12-96	Agreement	NGA	
3406	3-12-96	Zoning and subdivision regulations	1(Exh. A, §§ 1, 2)	<u>26-55, 26-</u> <u>56</u>
			1(Exh. A, § 3)	<u>26-75(a)</u> (16), (20)
			1(Exh. A, § 4)	<u>26-80(b)</u> (3)g.
			1(Exh. A, § 5)	<u>26-90(5)</u>
			Rnbd	<u>26-90(5)—</u> ...

			As	<u>26-90(6)</u> — (14)
			1(Exh. A, § 6)	<u>26-103(k)</u>
			1(Exh. A, § 7)	<u>26-104(1)e.</u> —g., (2)e.— g., (3)b.
			1(Exh. A, § 8)	<u>26-105(a)(1)</u>
			1(Exh. A, § 9) Dltd	<u>26-106(a)(4)</u>
			Rnbd	<u>26-106(a)</u> (5), (6)
			As	<u>26-106(a)</u> (4), (5)
			1(Exh. A, § 10) Added	<u>26-108(c)(6)</u>
			1(Exh. A, § 11)	<u>26-109(4)a.,</u> (5)
			1(Exh. A, § 12)	<u>26-110(1)a.,</u> c.—e.
			Dltd	<u>26-110(1)f.</u>
			Rltd	<u>26-110(1)g.</u> —k.
			As	<u>26-110(1)f.</u> —j.

			§ 13)	
3407	3-26-96	Agreement	NGA	
3408	4- 9-96	Building code	1	<u>7-1(2)</u>
3409	4- 9-96	Contract	NGA	
3410	4- 9-96	Agreement	NGA	
3411	4- 9-96	Agreement	NGA	
3412	5-14-96	Speed limits	1	<u>14-190</u>
3413	5-28-96	Annexation	NGA	
3414	5-28-96	Proposal to levy use tax; call for election	O	
3415	6-11-96	Budget approval	NGA	
3416	6-11-96	Budget approval	NGA	
3417	6-11-96	Capital program approval	NGA	
3418	6-25-96	Residential subdivision identification signs	1	<u>22-1</u>
			2 Added	22-39
3419	7- 9-96	Agreement	NGA	
3420	7-23-96	Cable communications	1	<u>7.5-72</u>
				<u>7.5-73(b)</u> , (d)(1), (2), (g)
				<u>7.5-74(c)</u> (2)a, b
				<u>7.5-74(f)</u>

				<u>7.5-75(a), (e)(5), (i)</u>
				<u>7.5-77(c) (3)e</u>
			Added	<u>7.5-78(c) (1)g</u>
				<u>7.5-78(c)(2), (g)(1), (2), (i)</u>
				<u>7.5-80(a), (b), (f)(3)</u>
				<u>7.5-84(g), (h)(3), (i)</u>
3421	7-23-96	Agreement	NGA	
3422	8-27-96	Annual rate of tax levy for 1996	NGA	
3423	8-27-96	Agreement	NGA	
3424	8-27-96	Elections	1	<u>8-3</u>
			Rpld	<u>8-4</u>
			2	<u>8-5(b)</u>
3425	8-27-96	Zoning	1	<u>26-142</u>
3426	9-10-96	Vacation of utility easement	NGA	
3427	9-10-96	No parking zones	1	
3428	9-10-96	Conditional use permit	NGA	
3429	9-10-96	Conditional use permit	NGA	
3430	10- 8-96	Signs	1	
			2	
				<u>22-6(2), (10) (11)</u>

			3 Added	22-40
3431	10- 8-96	Site plan approval	NGA	
3432	10- 8-96	Site plan approval	NGA	
3433	11-12-96	Personnel	1	<u>18-1—18-15</u>
3434	11-26-96	Agreement	NGA	
3435	11-26-96	Residential street lighting	1	<u>24-39</u>
3436	12-10-96	Motor vehicles and traffic	1	<u>14-185</u>
3437	12-10-96	Court costs	1	<u>15-31</u>
3438	12-10-96	Easements	NGA	
3439	12-10-96	Rezoning	NGA	
3440	1-14-97	Conditional use permit	NGA	
3441	1-14-97	Easements	NGA	
3442	1-14-97	Extension of CATV franchise term	NGA	
3443	1-28-97	Moratorium on telecommunications towers, structures, and antennae	NGA	
3444	1-28-97	Agreement	NGA	
3445	2-11-97	Commitment to continuance of assessment road trust fund	NGA	
3446	2-25-97	Basic cable rates	1 Rpld	<u>7.5-51—7.5-59</u>
			Added	<u>7.5-51</u>
				<u>7.5-53</u>

				<u>7.5-57</u>
				<u>7.5-59</u>
				<u>7.5-61</u>
				<u>7.5-63</u>
				<u>7.5-65</u>
				<u>7.5-67</u>
				<u>7.5-69, 7.5-70</u>
3447	2-25-97	Agreement	NGA	
3448	2-25-97	Agreement	NGA	
3449	2-25-97	Agreement	NGA	
3450	2-25-97	Agreement	NGA	
3451	3-11-97	No parking zones	1	<u>14-185</u>
3452	3-11-97	Health insurance for retired employees	1 Added	<u>2-162</u>
3453	3-25-97	Conditional use permit	NGA	
3454	4-22-97	Agreement	NGA	
3455	4-22-97	Conditional use permit	NGA	
3456	5-13-97	Fire hydrant installation	NGA	
3457	5-13-97	Moratorium on telecommunications towers, structures, and antennae	NGA	
3458	5-27-97	No parking zones	1	<u>14-185</u>
3459	6-10-97	Budget approval for 1997 fiscal year	NGA	
3460	6-10-97	Budget approval for 1997 fiscal year	NGA	

3461	6-10-97	Contract authorization	NGA	
3462	6-10-97	Site plan approval	NGA	
3463	7- 8-97	Agreement	NGA	
3464	7- 8-97	Plat approval	NGA	
3465	7-22-97	Annual rate of tax levy	NGA	
3466	7-22-97	Signs	1	<u>22-1</u>
			2	<u>22-10</u>
			3	<u>22-28(a),(j)</u>
			4	<u>22-31</u>
			5 Rpld	<u>22-32</u> —22-34
			Added	<u>22-32</u>
			6 Added	<u>22-33</u>
3467	7-22-97	Agreement	NGA	
3468	7-22-97	Municipal court costs	1	<u>15-31</u>
3469	7-22-97	Site plan approval	NGA	
3470	8-26-97	Final plat approval	NGA	
3471	8-26-97	Disclosure of potential conflicts of interest	1	<u>2-66</u>
3472	8-26-97	Contract	NGA	
3473	8-26-97	Agreement	NGA	
3474	8-26-97	Annexation	NGA	
3475	8-26-97	Tax increment financing commission	1, 2	<u>2-84</u>

			1(II)	<u>26-422, 26-423</u>
			1(III—VIII)	<u>26-424—26-429</u>
3477	9- 9-97	Conditional use permit	NGA	
3478	10-14-97	Conditional use permit	NGA	
3479	10-28-97	Final plat approval	NGA	
3480	10-28-97	Technical codes	1	<u>7-1(2), (3)</u>
3481	10-28-97	Alcoholic beverages	1	<u>5-41(d)</u>
3482	11-11-97	Ward boundaries	1	<u>8-1</u>
3483	12- 9-97	Approval of property purchase	NGA	
3484	12- 9-97	Authorizing borrowing of funds	NGA	
3485	12- 9-97	Approval of demolition site	NGA	
3486	12-30-97	Acquisition of property	NGA	
3487	1-13-98	Technical codes	1	<u>7-1(5), (7), (8)</u>
3488	2-24-98	Agreement	NGA	
3489	2-24-98	Agreement	NGA	
3490	2-24-98	Agreement	NGA	
3491	2-24-98	Agreement	NGA	
3492	3-24-98	Public hearings	1	<u>2-3</u>
3493	3-24-98	Rezoning	NGA	
3494	4-28-98	Authorization to transfer jurisdiction of property	NGA	

3496	5-12-98	Motor vehicles and traffic	1	<u>14-90</u>
3497	5-12-98	Motor vehicles and traffic	1	<u>14-183</u>
3498	5-12-98	Motor vehicles and traffic	1	<u>14-184</u>
3499	5-12-98	Agreement	NGA	
3500	5-12-98	Agreement	NGA	
3501	5-26-98	Zoning applicable to Watson/Pardee Road annexation area	NGA	
3502	5-26-98	Signs	1	<u>22-1</u>
			2 Added	22-41
3503	5-26-98	Agreement	NGA	
3504	5-26-98	Agreement	NGA	
3505	5-26-98	Relocation policy	NGA	
3506	5-26-98	Flood damage control	1	<u>10-3</u>
3507	6-9-98	Rezoning	NGA	
3508	6-9-98	Rezoning	NGA	
3509	6-9-98	Rezoning	NGA	
3510	6-9-98	Rezoning	NGA	
3511	6-9-98	Rezoning	NGA	
3512	6-9-98	Rezoning	NGA	
3513	6-9-98	Rezoning	NGA	
3514	6-9-98	Rezoning	NGA	
3515	6-9-98	Rezoning	NGA	

3516	6-9-98	Rezoning	NGA	
3517	6-23-98	Budget approval for the 1998 fiscal year	NGA	
3518	6-23-98	Budget approval for 1998 fiscal year	NGA	
3519	6-23-98	Dedication of property	NGA	
3520	7-14-98	Conditional use permit	NGA	
3521	7-14-98	Approval of property purchase	NGA	
3522	7-14-98	Agreement	NGA	
3523	7-14-98	Conditional use permit	NGA	
3524	7-14-98	Zoning	1	<u>26-309</u>
				<u>26-311(1)</u> ,
				(2)a—c, g,
				(4), (5)
				26-212
3525	7-28-98	Final plat approval	NGA	
3526	7-28-98	Tax levy for 1998	NGA	
3527	7-28-98	Signs	1 Added	<u>22-34</u>
3528	8-25-98	Approval of memorandum of understanding	NGA	
3529	8-25-98	Assessment	NGA	
3530	8-25-98	Sewer lateral repair policy	1	<u>21-7</u>
3531	8-25-98	Sale of vacant parcel	NGA	
3532	8-25-98	Agreement	NGA	

3533	8-25-98	Conditional use permit	NGA	
3534	8-25-98	Extension agreement	NGA	
3535	10-13-98	Agreement	NGA	
3536	10-13-98	Plumbing code	1	<u>7-1</u> (7)
3537	10-27-98	Franchise renewal	NGA	
3538	11-10-98	Conditional use permit	NGA	
3539	11-10-98	Zoning	1 Added	<u>26-302</u> (b) (11)
			2 Added	<u>26-366</u> (c)
3540	11-10-98	Zoning	1	<u>26-188</u> (a), (b)(5), (d)
3541	11-10-98	Rezoning	NGA	
3542	11-10-98	Conditional site plan approval	NGA	
3543	11-24-98	Contract	NGA	
3544	11-24-98	Agreement	NGA	
3545	12- 8-98	Redevelopment plan	NGA	
3546	12- 8-98	Redevelopment area	NGA	
3547	12- 8-98	Relocation plan	NGA	
3548	12- 8-98	Conditional use permit	NGA	
3549	1-26-99	Redevelopment agreement	NGA	
3550	1-26-99	Contract	NGA	
3551	1-26-99	Street name change	NGA	
3552	2- 9-99	Building code	1	<u>7-1</u> (2)

3553	2- 9-99	Amendment to conditional use permit	NGA	
3554	2- 9-99	Conditional site plan approval	NGA	
3555	3- 9-99	Agreement	NGA	
3556	3- 9-99	Agreement	NGA	
3557	3- 9-99	Contract	NGA	
3558	4-13-99	Redevelopment area	NGA	
3559	4-13-99	Urban redevelopment procedures	1—13 Added	<u>19-51</u> —19-63
3560	5-11-99	Stop sign	1	<u>14-183</u>
3561	5-11-99	Conditional use permit	NGA	
3562	5-11-99	Site plan approval	NGA	
3563	5-11-99	Conditional use permit	NGA	
3564	6- 8-99	Agreement	NGA	
3565	6- 8-99	Visual obstructions at intersections	1—3 Add	<u>24-14</u>
3566	6- 8-99	Conditional use permit	NGA	
3567	6-22-99	Budget	NGA	
3568	6-22-99	Budget	NGA	
3569	6-22-99	Agreement	NGA	
3570	6-22-99	Agreement	NGA	
3571	7-13-99	Rezoning	NGA	
3572	7-13-99	Site plan approval	NGA	
3573	7-13-99	Conditional use permit	NGA	
3574	7-13-99	Site plan approval	NGA	

3575	7-27-99	Disclosure of potential conflicts of interest	1	<u>2-66</u>
3576	7-27-99	Light poles	1, 2	<u>22-1</u> , 22-39
3577	8-24-99	1999 Tax levy on real estate and other property	NGA	
3578	8-24-99	Approving tax collection contract with St. Louis County	NGA	
3579	8-24-99	Agreement with Regional Justice Information Services	NGA	
3580	8-24-99	Adding handicapped parking zone to Schedule D	1	<u>14-185</u>
3581	8-24-99	Prohibit parking on streets being repaired	1—5 Add	<u>14-166</u>
3582	9-28-99	Conditional use permit	NGA	
3583	9-28-99	City employee harassment policy	1 Add	<u>18-31</u> —18-33
3584	10-12-99	Conditional use permit	NGA	
3585	10-12-99	Conditional approval for demolition and construction	NGA	
3586	11- 9-99	Rezoning	NGA	
3587	11-23-99	Non-residential yard by-product compost facilities	1 Add	<u>12-1</u> —12-6
3588	12-14-99	Conditional approval exterior building modifications	NGA	
3589	12-14-99	Plat approval	NGA	
3590	1-11-00	Authorize grant of temporary slope construction license	NGA	

		surveying		
3592	1-11-00	Compensation for mayor and aldermen	NGA	
3593	1-11-00	Signs	1 Rpld	<u>22-1</u> —22-41
			Add	<u>22-1</u> —22-37
3594	1-25-00	Redevelopment contract—Big Bend/I-44 area	NGA	
3595	1-25-00	Amending Ord. No. 3549	NGA	
3596	1-25-00	Plat approval	NGA	
3597	2- 8-00	Agreement approval for concrete street slabs	NGA	
3598	2- 8-00	Reimbursement of 1999 sewer lateral fees	NGA	
3599	2- 8-00	Rezoning	NGA	
3600	2-22-00	Grading and excavating	1	
	<u>7-85(7)a.</u>			
3601	3-14-00	Plat approval	NGA	
3602	3-14-00	Rezoning	NGA	
3603	3-14-00	Conditional use permit	NGA	
3604	3-14-00	Amending Ord. No. 3548	NGA	
3605	3-14-00	Conditional approval of site plan	NGA	
3606	3-14-00	Providing for holding of an election	NGA	
3607	3-28-00	Approval of quit-claim deed	NGA	

		agreement		
3609	3-28-00	Agreement with County Asphalt Paving Co.	NGA	
3610	3-28-00	Amending Ord. No. 3594	NGA	
3611	4-11-00	Final plat approval	NGA	
3612	4-11-00	Subdivision and Land Dev. Code	1, 2	
	<u>26-84,</u> <u>26-86</u>			
3613	4-11-00	Zoning	1	<u>26-283</u>
3614	5-23-00	Conditional use permit	NGA	
3615	5-23-00	Agreement approval for microsurfacing streets	NGA	
3616	6-13-00	Family and medical leave policy	1 Added	<u>2-146</u>
3617	6-13-00	Amending civil service rules	NGA	
3618	6-13-00	Approving map plan of proposed boundary changes	NGA	
3619	6-13-00	Final plat approval	NGA	
3620	6-13-00	Rezoning	NGA	
3621	6-27-00	Approving operating budget	NGA	
3622	6-27-00	Approving capital expenditures budget	NGA	
3623	7-11-00	Approving development contract	NGA	
3624	7-11-00	Participation of city in consortium re: highway noise	NGA	
3625	7-11-00	Authorization of street vacation	NGA	

3627	8-22-00	Tax levy	NGA	
3628	8-22-00	Electrical code adoption date	1	<u>7-1</u> (3)
3629	8-22-00	STP-Urban agreement; Improvement of Rayburn Ave.	NGA	
3630	8-22-00	Granting conditional use permit	NGA	
3631	8-22-00	Conditional approval of site plan	NGA	
3632	8-22-00	Conditional approval of site plan	NGA	
3633	8-22-00	Conditional approval of site plan	NGA	
3634	10-10-00	Redevelopment agreement	NGA	
3635	10-10-00	Rezoning	NGA	
3636	10-10-00	Plat approval	NGA	
3637	10-24-00	Dedication of Fourth Ave.	NGA	
3638	10-27-00	Contract with St. Louis County	NGA	
3639	11-14-00	Approving a development contract	NGA	
3640	11-14-00	Approving final site plan	NGA	>
3641	11-28-00	Amending ambulance service agreement	NGA	
3642	12-12-00	Agreement with Jacobs Facilities Inc.	NGA	
3643	12-12-00	Agreement with L.A. Schaefer Const. Co.	NGA	
3644	12-12-00	Approving a financial advisory agreement	NGA	
3645	12-12-00	Amending development contract	NGA	
3646	1- 9-01	Amending development contract and acquisition agreement	NGA	

3647	1- 9-01	Agreement with city attorney and law firm	NGA	
3648	1-23-01	Extension agreement with Allied Services	NGA	
3649	1-23-01	Approving agreement with Allied Services	NGA	
3650	1-23-01	Amending agreement with Jacobs Facilities Inc.	NGA	
3651	1-23-01	Replace <u>Ch. 10</u> with similar provisions	Rpld	<u>10-1</u> —10-9,
				10-21—10-24,
				10-31—10-36,
			Added	<u>10-1</u> —10-10
3652	1-23-01	Street vacation; Spellman Ave.	NGA	
3653	2-27-01	Agreement with Stika Concrete Contracting Co.	NGA	
3654	2-27-01	Agreement with J.M. Marschuetz Construction Co.	NGA	
3655	3-13-01	Granting cable television franchise to Wideopenwest	NGA	
3656	3-13-01	Conditional use permit, K & D Barbecue	NGA	
3657	3-13-01	Conditional use permit, Pickerman's Development Co.	NGA	
3658	3-27-01	Building, mechanical, plumbing code adopted	1	<u>7-1</u> (2),

3659	3-27-01	Agreement with Camp, Dresser & Mckee Inc.	NGA	
3660	3-27-01	Refund request—Closing of a business	1	<u>13-206(b)</u>
3661	3-27-01	Agreement with Robert Mocciola, Inc.	NGA	
3662	4-24-01	Redevelopment	NGA	
3663	4-24-01	Fire hydrant installations	NGA	
3664	4-24-01	Certificates of participation (Aquatic Center)	NGA	
3665	5- 8-01	Agreement with S.W.T. Assoc.	NGA	
3666	5- 8-01	Authorized dispositions	1 Added	<u>15-34</u>
3667	5-22-01	Enacting a new <u>Ch. 10</u>	Rpld	<u>10-1—10-10</u>
			Added	<u>10-1—10-10</u>
3668	5-22-01	Agreement with Micro-Surfacing Inc.	NGA	
3669	5-22-01	Agreement with Brennen Thomsen Assoc. Inc.	NGA	
3670	6-12-01	Conditional use permit to Sam's Club		
3671	6-12-01	Environmental performance standards	1	<u>26-223(j)</u>
3672	6-12-01	New definition of public utility facility	1	<u>26-142</u>
			2	<u>26-401</u>
3673	6-26-01	Agreement with Dome Corp. of N. America	NGA	
3674	6-26-01	Operating budget	NGA	

3675	6-26-01	Capital expenditures budget	NGA	
3676	6-26-01	Park and stormwater expenditures budget	NGA	
3677	7-24-01	Agreement with Farnsworth Group for Land Survey	NGA	
3678	8-28-01	Annual rate of tax levy for 2001	NGA	
3679	8-28-01	Reaffirming and readopting provisions relating to conflict of interest and substantial interest of various city officials	1	<u>2-66</u>
3680	8-28-01	Final plat subdivision of west part of Lot 2 of Prilwetz Subdivision	NGA	
3681	8-28-01	Rezoning	NGA	
3682	8-28-01	Amending Ord. No. 3193 and conditional use permit granted thereby	NGA	
3683	9-25-01	Agreement with Kozeny-Wagner, Inc.	NGA	
3684	9-25-01	Agreement with Kozeny-Wagner, Inc.	NGA	
3685	9-25-01	Final plat and resubdivision of Big Bend Crossing Redevelopment Area	NGA	
3686	9-25-01	Repealing <u>Ch. 23</u> , Solid Waste and adding new provisions as <u>Ch. 23</u> , Solid Waste	1 Rpld	<u>23-1—23-12</u>
			Added	<u>23-1—23-13</u>
3687	9-25-01	Amending Ord. No. 3672	1	<u>26-401</u>
3688	10- 9-01	Conditional use permit, Crestwood Swim Club	NGA	
3689	10- 9-01	Authorizing city to enter into second	NGA	

		between city and Big Bend Crossing, L.L.C.		
3690	10- 9-01	Authorizing city to enter into intergovernmental cooperation agreement with Big Bend Crossing Transportation Development District	NGA	
3691	10- 9-01	Amends Ord. No. 3657 and conditional use permit granted thereby to Pickerman's Development Company, Inc.	NGA	
3692	10-23-01	Vacation of portion of Spellman Avenue	NGA	
3693	11-27-01	Approving final plat of Gentry Square Subdivision	NGA	
3694	11-27-01	Approving an agreement with Horner & Shifrin, Inc.	NGA	
3695	11-27-01	Increases crime victims' compensation fund and domestic violence shelter fee	1	<u>15-31(c)(1),</u> (4)
3696	11-27-01	Approving an agreement with Amerenue Company	NGA	
3697	12-11-01	Vacation of three triangular portions of right-of-way adjacent to east right-of-way of Tolstoi Place	NGA	
3698	12-11-01	Conditionally approving site plan for construction of addition to building at 9245 Watson Industrial Drive	NGA	
3699	1- 8-02	Rezoning	NGA	
3700	1- 8-02	Agreement with Midwest Pool Management	NGA	
3701	1-22-02	Final plat of Sappington Manor	NGA	

3702	1-22-02	Agreement with L. Krupp Construction	NGA	
3703	1-22-02	Agreement with Kozeny-Wagner	NGA	
3704	1-22-02	Agreement with Kozeny-Wagner	NGA	
3705	1-22-02	STP-Urban agreement with Missouri Highways and Transportation Commission	NGA	
3706	1-22-02	Agreement with Massman Surveying	NGA	
3707	1-22-02	Agreement with Eads Constructors, Inc.	NGA	
3708	2-12-02	Re site plan approval	NGA	
3709	2-12-01	Permit parking districts	1	<u>14-167</u>
			2	<u>14-200.1</u>
3710	2-12-02	Towing of vehicles in city parks	1	<u>17-10</u>
3711	2-26-02	Cable television franchise	NGA	
3712	2-26-02	Renaming of floodplain management appeal board	1	<u>10-5</u>
3713	2-26-02	Agreement with Robert J. Golterman	NGA	
3714	3-12-02	Agreement with Fry and Associates, Inc.	NGA	
3715	3-12-02	Agreement with Massman Surveying	NGA	
3716	3-12-02	Agreement with Southern Ditch and Excavating	NGA	
3717	3-12-02	Agreement with L. Keeley Construction	NGA	
3718	3-12-02	Establishing the 8900 block of Lou	1	14-200.1

		Pardee Road as a permit parking district		
3719	4- 9-02	Amending redevelopment agreement with Crestwood Point Development, L.L.C.	NGA	
3720	4- 9-02	Rezoning	NGA	
3721	4- 9-02	Site plan approval	NGA	
3722	4- 9-02	Agreement with Sunrise Construction, Inc.	NGA	
3723	4-23-02	Agreement with Suburbia Gardens	NGA	
3724	4-23-02	Amending development contract between city and Big Bend 44, L.L.C.	NGA	
3725	4-23-02	Agreement between city and Big Bend Crossing Transportation development district	NGA	
3726	4-23-02	Agreement between Big Bend 44, L.L.C., Big Bend Crossing Transportation development district, and First Bank	NGA	
3727	5-14-02	Agreement with SWT and Associates	NGA	
3728	5-14-02	Agreement with Modjeski & Masters, Inc.	NGA	
3729	5-14-02	Agreement with St. Louis County, Missouri for the housing of municipal inmates	NGA	
3730	5-14-02	Conditional use permit to the Batter's Box, Inc.	NGA	
3731	5-28-02	Eliminating the storm and waste water committee, combining the functions of same with the functions	1 Rpld	<u>21-6</u>

		of the public works board, amending the terms for members of the public works board and the total number of members		
			2	<u>2-61</u> (i)
			3	<u>2-61</u> (a)
3732	5-28-02	Agreement with Missouri Petroleum Products Co.	NGA	
3733	5-28-02	Extending the fifteen (15) year expiration date on the capital improvements sales tax passed by the voters of Crestwood on November 2, 1993 and calling an election on said extension to be held on August 6, 2002		<u>25-24</u> (note)
3734	6-11-02	Conditional use permit to CKE Restaurants, Inc. d/b/a Hardee's Restaurant	NGA	
3735	6-25-02	Operating budget for the fiscal year beginning July 1, 2002	NGA	
3736	6-25-02	Capital expenditures budget for the fiscal year beginning July 1, 2002	NGA	
3737	6-25-02	Park and storm water expenditures budget for the fiscal year beginning July 1, 2002	NGA	
3738	7-23-02	Agreement and license to encroach on sewer easement between Metropolitan St. Louis Sewer District and the city	NGA	
3739	7-23-02	Grant agreement between the municipal parks grant commission and the city	NGA	

3741	8-27-02	Vacation of easement located on Lots 6 and 7 of Sappington Manor Subdivision	NGA	
3742	8-27-02	Residential street lighting	1—4	<u>24-39</u>
3743	8-27-02	Amendment to site plan for Kohl's Department Store, Ord. No. 3721, as relates to hours of operation	NGA	
3744	9-10-02	Conditional use permit to Planet Gymnastics	NGA	
3745	9-10-02	Agreement with St. Louis County for mosquito control	NGA	
3746	9-10-02	Management, use and occupancy of the public right-of-way for the city	1 Rpld	24-4—24-6
			4	<u>24-63</u> —24-97
3747	9-10-02	Site plan for the construction of an addition to the Gundaker Commercial Group Building	NGA	
3748	10- 8-02	Rezoning property from R-1 to R-3	NGA	
3749	10-22-02	General warranty deed between Rosebrook Real Estate Company and city	NGA	
3750	10-22-02	Boundary adjustment plat between Rosebrook Real Estate Company and city	NGA	
3751	10-22-02	Compensation and classification plan for employees of the city	NGA	
3752	10-22-02	Amending operating budget for fiscal year beginning July 1, 2002	NGA	

		between Rosebrook Real Estate Company and city		
3754	11-12-02	Agreement with Geotechnology, Inc. for professional services to complete phase II environmental study of lower parking lot of Crestwood Government Center	NGA	
3755	11-12-02	Execution and delivery of \$9,830,000 principal amount of certificates of participation, series 2002, providing funds for police station and Crestwood Government Center	NGA	
3756	11-12-02	Agreement with Horner & Shifrin, Inc. for professional services for architectural design and construction services of police department building and various improvements at Crestwood Government Center	NGA	
3757	11-12-02	Conditional use permit to California Pizza Kitchen for construction and operation of restaurant at #474 Crestwood Plaza	NGA	
3758	11-12-02	Conditional use permit to Pink Galleon Billiards and Games for renovation and operation of amusement center/arcade at 9244 Watson Road (Circuit City Center)	NGA	
3759	12-10-02	Water discharge onto adjacent properties	1	<u>26-191</u>
3760	12-10-02	Conditional use permit to ESSE Health, D/B/A Excel Imaging, LLC, for renovation and operation of medical testing facility at 9930 Watson Road	NGA	
3761	12-10-02	Conditional use permit to Crest	NGA	

		continued operation of shopping center (Creston Center) located at 8950—8984 Watson Road		
3762	12-10-02	Amending Ord. No. 3751 by adopting compensation and classification plan for certain positions not in classified service as defined by ordinance	NGA	
3763	1-28-03	Agreement with Woolpert LLP for professional services for engineering design of storm water improvements on Craigwood Terrace and Fieldcrest Drive	NGA	
3764	1-28-03	Agreement between City of Crestwood and City Attorney Robert J. Golterman	NGA	
3765	1-28-03	Agreement with Dar-Beck Inc., for construction of phases 1 and 2 of Crestwood Park Project	NGA	
3766	2-11-03	Agreement with Cunningham Associates Inc., for construction of playground for Crestwood Park Project	NGA	
3767	2-25-03	Final plat of The Estates at Sappington Pointe Subdivision	NGA	
3768	2-25-03	Agreement with Peckham Guyton Albers & Viets, Inc. ("PGAV") for planning technical and redevelopment consulting services in connection with redevelopment of Watson/Grant Redevelopment Area	NGA	
3769	2-25-03	Agreement with EDM, Inc. for professional services for completion of feasibility study of Gravois Creek (between Whitecliff Park and Pardee	NGA	

3770	2-25-03	Agreement with Sunrise Construction, Inc. for construction of improvements to Sunray Lane, Cassia Court, Camelot Lane, and Fieldcrest Dr.	NGA	
3771	3-11-03	Selecting Mills Crestwood, L.L.C. as preferred developer of area within city known as Watson and Grant Redevelopment Area and approving preliminary funding agreement with Mills Crestwood, L.L.C.	NGA	
3772	3-11-03	Approving STP-Urban Program Agreement with Missouri Highway and Transportation Commission relating to improvement of Grant Rd. (from Watson Rd. to Pardee Rd.)	NGA	
3773	3-11-03	Appointment and duties of city's director of finance	1	<u>2-53(i)(1)</u>
			2	<u>2-59</u>
3774	4-22-03	Agreement with Stika Concrete Contracting Co., Inc. for the construction of improvements to concrete street slabs	NGA	
3775	4-22-03	Agreement with Missouri Petroleum Products Co. LLC for the microsurfacing of various streets	NGA	
3776	4-22-03	Easement to Rosebrook Real Estate Company	NGA	
3777	4-22-03	Installation of one (1) additional fire hydrant	NGA	
3778	4-22-03	Driving while license or driving privilege is canceled, suspended or revoked	1	<u>14-132</u>

		revenues for the operation of the city fire department		
3780	5-13-03	Agreement with Peckham Guyton Albers & Viets, Inc. ("PGAV") for planning technical and redevelopment consulting services in connection with the redevelopment of the Watson Plaza Redevelopment Area, directing PGAV to commence the tasks as defined therein	NGA	
3781	5-13-03	Approving the Glenwood Drive Extension and authorizing the institution of condemnation proceedings	NGA	
3782	6-27-03	Amending Ord. No. 3559, the Crestwood Urban Redevelopment Procedures Ordinance	1	<u>19-53(a)</u>
3783	6-10-03	Easement to Rosebrook Real Estate Company	NGA	
3784	6-24-03	Operating budget for the fiscal year beginning July 1, 2003	NGA	
3785	6-24-03	Capital expenditures budget for the fiscal year beginning July 1, 2003	NGA	
3786	6-24-03	Parks and stormwater expenditures budget for the fiscal year beginning July 1, 2003	NGA	
3787	6-24-03	Finding that a certain area is blighted within the meaning of Chapter 353, The Urban Redevelopment Corporations Law of Missouri, and finding that the redevelopment of such area is necessary and in the interest of the public health, safety	NGA	

		Crestwood and its residents		
3788	6-24-03	Agreement with GTR Lawn and Landscape for mowing services	NGA	
3789	7-8-03	Amending the civil service rules and regulations by deleting Columbus Day from the list of holidays in chapter X, section 3 and by adding thereto Martin Luther King Day	NGA	
3790	8-26-03	Annual rate of tax levy for 2003	NGA	
3791	8-26-03	Agreement with Kmeier Roof Systems, Inc. for reroofing of Government Center	NGA	
3792	8-26-03	Agreement with Gershenson Construction Co., Inc. for construction of stormwater improvements on Fieldcrest Dr. (Project No. GC-9) and Craigwood Terrace (Project No. MC-4)	NGA	
3793	8-26-03	Reaffirming and readopting provisions relating to the disclosure of potential conflicts of interest and substantial interests on the part of the mayor, members of the board of aldermen, the city administrator and the finance officer	1	<u>2-66</u>
3794	9- 9-03	Authorizing borrowing of sums up to an amount not exceeding \$1,250,000.00 to be repaid on or before June 30, 2004	NGA	
3795	9-23-03	Amending provisions relating to sale of intoxicating liquor on Sunday and license required for same by establishing permissible hours for said conduct on Sunday at 9:00 a.m. to 12:00 midnight	1	<u>5-26(c)</u>

			2	<u>5-42</u> (4), (5)
3796	10-14-03	Selects Brown Smith Wallace, L.L.C. as the city's independent auditing firm	NGA	
3797	10-14-03	Confirms the terms of a revolving business note with Southwest Bank	NGA	
3798	10-14-03	Conditionally approves the site plan for exterior and interior modifications and a minor addition to the building at 9900 Watson Road—Jim Butler Chevrolet	NGA	
3799	10-14-03	Conditionally approving the site plan for the extension and enlargement of the existing parking lot and construction of an addition to the building at 9201 Watson Road—Millennium Center		
3800	10-28-03	Amends Crestwood Code relating to the planned development—Residential zoning classification	1	<u>26-168</u> (b)(3)a.
3801	10-28-03	Approves an agreement with Vasiliki (Bess) Fitzmaurice for the operation of the Sappington House Barn Center Restaurant	NGA	
3802	10-28-03	Establishes the Crestwood Point Community Improvement District and approves appointment of the initial board of directors thereto		
3803	10-28-03	Adopts the electrical code of St. Louis County	1	<u>7-1</u> (3)
3804	11-11-03	Authorizes the city to enter into an intergovernmental cooperation agreement with Crestwood Point Transportation Development District	NGA	

3805	11-11-03	Rezones certain property from the R-3 single family residential classification district to the planned development—residential classification	NGA	
3806	11-11-03	Amends the motor vehicles and traffic code of pertaining to the parking and storage of certain vehicles and objects	1	<u>14-175</u>
3807	11-25-03	Approves an agreement with Brown Smith Wallace, LLC for restatement of city financial statements	NGA	
3808	12- 9-03	Approves an agreement with WM Financial Strategies for services related to tax increment bonds	NGA	
3809	12- 9-03	Approves site plan for exterior modification for A to Z Auto Center		
3810	1-13-04	Establishes the position of municipal court administrator	1	<u>15-4</u>
3811	1-13-04	Amends Schedule B, through streets and stop intersections	1	<u>14-183</u>
3812	1-27-04	Approves the final plat of Glenwood Place	NGA	
3813	1-27-04	Changes city fiscal year	1	<u>2-3</u>
3814	2-10-04	Approves purchase of fire truck	NGA	
3815	2-10-04	Approves agreement with city attorney	NGA	
3816	2-10-04	Grants conditional use permit to Tokyo Sushi Restaurant	NGA	
3817	2-24-04	Amends the general fund operating budget	NGA	
3818	2-24-04	Amends provisions relating to failure	1	<u>15-33</u>

3819	2-24-04	Approves an agreement with St. Louis County for housing of municipal inmates	NGA	
3820	3- 9-04	Establishes the Crestwood Market Community Improvement District	NGA	
3821	3- 9-04	Authorizes selection of G. J. Grewe, Inc. as the preferred developer for the Watson Plaza Redevelopment Area	NGA	
3822	3- 9-04	Approves site plan for building at 1110 Reco Drive	NGA	
3823	3- 9-04	Amends provisions relating to weapons	1	<u>16-3</u>
			2	<u>16-4</u>
			3 Rpld	<u>16-5</u>
3824	4-13-04	Provides for the repayment of funds by the capital improvements sales tax fund	NGA	
3825	4-13-04	Approves agreement with Peckham Guyton Albers & Viets, Inc. (PGAV) for planning, technical and redevelopment consulting services	NGA	
3826	4-13-04	Eliminates the city's reserve fund and establishes a non-expendable trust fund account	NGA	
3827	4-27-04	Eliminates and transfers funds from vehicle replacement fund	NGA	
3828	4-27-04	Establishes a designated fund for future expenditures	NGA	
3829	4-27-04	Establishes a parks and stormwater internal services fund	NGA	

		increment revenue notes for Crestwood Point project		
3831	4-27-04	Amends general fund operating budget and the capital improvements fund operating budget	NGA	
3832	4-27-04	Approves the final plat of 945 Lopina Boulevard Subdivision	NGA	
3834	5-25-04	Amends purchasing policy and code of ethics	2 Rpld	<u>2-121—2-135</u>
			Added	<u>2-121—2-126</u>
			3	<u>2-66</u>
3835	5-25-04	Extends principal payment date for revolving business note	NGA	
3836	5-25-04	Adds requirement for vehicle operators to carry proof of financial responsibility	1	<u>14-30</u>
3837	5-25-04	Provides for recoupment of fees in alcohol or drug related traffic offenses	1	<u>14-125.3</u>
3838	5-25-04	Amends definition of driving and operating motor vehicles	1	<u>14-125(a)</u>
			2	<u>14-125.1(a)</u>
3839	5-25-04	Deletes provisions relating to municipal court bailiff	1 Rpld	<u>15-6</u>
3840	5-25-041	Lowers blood alcohol level for driving	1	<u>14-125.1(d)</u>
3841	6- 8-04	Approves site plan modifications at 9490 Watson Road	NGA	

3843	6- 8-04	Time of curbside placement of solid waste	1	<u>23-4(g)</u>
3844	6-22-04	Authorizes supplemental appropriations for July 1, 2004 through December 31, 2004	NGA	
3845	7-13-04	Agreement for financial auditing services	NGA	
3846	7-13-04	Agreement of construction of asphalt mill and overlay project	NGA	
3847	7-13-04	Agreement for microsurfacing of Pardee Road	NGA	
3848	7-13-04	Agreement of construction of stormwater improvements	NGA	
3849	7-13-04	Approves purchase of concrete mix	NGA	
3850	7-13-04	Amends conditional use permit	NGA	
3851	7-13-04	Eliminates railway commission	1 Rpld	<u>2-64</u>
			Rnbd	<u>2-65</u> , 2-65.1
			as	<u>2-64</u> , <u>2-65</u>
3852	8-10-04	Approves final plat for The Villas of Grantwood	NGA	
3853	8-24-04	Established annual tax levy	NGA	
3854	8-24-04	Issuance of tax increment revenue bonds	NGA	
3855	8-24-04	Designates Watson Plaza Redevelopment area	NGA	
3856	8-24-04	Authorizes redevelopment agreement for Watson Plaza	NGA	
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3858	8-24-04	Grants conditional use to Von Hoffman Press	NGA	
3859	9-14-04	Agreement with Missouri Highways and Transportation Commission	NGA	
3860	9-14-04	Agreement with Missouri Highways and Transportation Commission	NGA	
3861	9-14-04	Approves purchase of deicing salt	NGA	
3862	9-14-04	Amendments certificates of participation, series 2002	NGA	
3863	9-14-04	Amendment of agreement for city hall renovations	NGA	
3864	9-14-04	Authorizes borrowing of funds from Southwest Bank of St. Louis	NGA	
3865	10-12-04	Amends location requirements for motor vehicles oriented businesses	1	<u>26-303(d)</u>
3866	10-12-04	Grants conditional use permit to Sara, Inc.	NGA	
3867	10-12-04	Grants conditional use permit to Walgreens	NGA	
3868	10-26-04	Amends regulation relating to detached garages	1	<u>26-186(2)</u>
3869	10-26-04	Amends regulation relating screening of trash containers	1	<u>26-311(4)c.3</u>
3870	10-26-04	Approves sale of property to EFS Development, Inc.	NGA	
3871	10-26-04	Approves final development of plat for The Villas at Sappington	NGA	
3872	11- 9-04	Adds stop intersections	1	<u>14-183</u>
3873	11-22-04	Amends regulation relating to...	NGA	

		services		
3874	11-23-04	Approves equipment lease/purchase agreement for computer equipment	NGA	
3875	11-23-04	Establishes economic development commission	1	<u>2-62</u>
3876	12-14-04	Approves the operating budget for the fiscal year beginning Jan. 1, 2005	NGA	
3877	12-14-04	Approves the capital expenditures budget for the fiscal year beginning Jan. 1, 2005	NGA	
3878	12-14-04	Approves the parks and stormwater expenditures budget for the fiscal year beginning Jan. 1, 2005	NGA	
3879	12-14-04	Approves a ground lease agreement with Cingular Wireless	NGA	
3880	12-14-04	Preliminary funding agreement for redevelopment project	NGA	
3881	12-14-04	Agreement for planning, technical and redevelopment consulting services	NGA	
3882	1-11-05	Calling for a bond election in the city	NGA	
3883	1-11-05	Agreement with Howard R. Green Co.	NGA	
3884	1-25-05	Amends <u>Chapter 23</u>	1	<u>23-1</u>
			2 Added	<u>23-14</u>
3885	1-25-05	Approves room rental fees for the community center	NGA	
3886	2- 8-05	Adopts a revised sewer lateral policy for the city	1	<u>21-7</u>
3887	2- 8-05	Approves a revised policy for the city	NGA	

		Lifeguards Unlimited, Inc.		
3888	2-22-05	Amends various sections of <u>Ch. 26</u>	1 Rpld	<u>26-80(b)(4)</u>
			2, 3 Added	<u>26-80(b)(4)</u>
			4 Rpld	<u>26-110</u>
			5, 6 Added	<u>26-110</u>
			7 Rpld	<u>26-130.22</u>
			8, 9 Added	<u>26-130.22</u>
3889	2-22-05	Amends <u>Ch. 7</u> , Art. III, Grading and Excavating Activity	1 Rpld	<u>7-81—7-90</u>
			2, 3 Added	<u>7-81—7-94</u>
3890	2-22-05	Amends <u>Ch. 16</u>	1 Rpld	<u>16-18(b)(3)</u>
			2, 3 Added	<u>16-18(b)(3)</u>
3891	2-22-05	Amends the park and stormwater fund expenditures budget	NGA	
3892	2-22-05	Approves an agreement with Jacobs Facilities	NGA	
3893	2-22-05	Approves an agreement with Fry and Associates, Inc.	NGA	
3894	2-22-05	Authorizes the issuance of not to exceed \$2,350,000.00 principal amount of tax increment revenue notes	NGA	
3895	3- 8-05	Grants a conditional use permit to Gaga Imports LLC	NGA	

3896	3-22-05	Approves the extension of an existing mowing services agreement	NGA	
3897	4-26-05	Agreement with Kelpo Contracting, Inc.	NGA	
3898	4-26-05	Approves office lease with Westfield Corp., Inc.	NGA	
3899	5-10-05	Approves purchase of concrete from Raineri Ready Mix for the replacement of concrete slabs	NGA	
3900	5-10-05	Approves professional services agreement with Tope Plumbing	NGA	
3901	5-10-05	Agreement with T. Hill Construction, Inc.	NGA	
3902	5-10-05	Agreement with Spasnick Plumbing	NGA	
3903	5-24-05	Budget January 1, 2005	NGA	
3904	5-24-05	Adopted new property maintenance code	Rpld	7-31—7-60
			1—5	7-31—7-35
3905	5-24-05	Adopts requirements and enacting re-occupancy permits for non-owner occupied dwelling units	1	Art. V(title)
			2—11	<u>7-122</u> —7-131
3906	5-24-05	Approves contract with the city's attorney	NGA	
3907	6-14-05	Rezoning	NGA	
3908	6-14-05	Conditionally approves the site plan for the external modification and construction to the Crestwood	NGA	

3909	6-14-05	Agreement with C. Rallo Contracting, Inc.	NGA	
3910	6-28-05	Grants a conditional use permit to Las Margaritas Mexican Restaurant	NGA	
3911	6-28-05	Approves preliminary funding agreement between city and Sappington Square Corp.	NGA	
3912	6-28-05	Agreement with Peckham, Guyton, Albers & Viets, Inc.	NGA	
3913	6-28-05	Agreement with Crawford, Bunte, Brammeier	NGA	
3914	6-28-05	Renews Blue Cross Blue Shield Health Insurance Plan	NGA	
3915	7-12-05	Approves a professional services agreement with Engineering Evaluations Inspections	NGA	
3916	7-12-05	Amends <u>Chapter 2</u>	1	<u>2-62(c)</u>
3917	7-12-05	Approves a municipal housing and community development coop agreement with St. Louis County, MO	NGA	
3918	7-26-05	Rezoning	NGA	
3919	7-26-05	Conditionally approves the site plan for reconfiguration of the drive-thru lane and color scheme to existing McDonald's Restaurant	NGA	
3920	7-26-05	Grants a conditional use permit to Hertz Automobile Rental	NGA	
3921	7-26-05	Grants a conditional use permit to Lazer Core	NGA	
3922	8-22-05	Established the annual rate of tax lev	NGA	

3923	8-23-05	Adopted building, residential, existing buildings, mechanical and plumbing codes	1, 2	<u>7-1</u>
3924	8-23-05	Provision for code enforcement services	1	<u>7-1.1</u>
3925	8-23-05	Reaffirm and readopts section relating to disclosure of potential conflicts of interest	1	<u>2-66</u>
3926	8-23-05	Election held for a proposition to increase merchant license fee	1	<u>13-207</u>
3927	8-23-05	Call for election Nov. 8, 2005 to increase tax rates on gross receipts from certain utilities	NGA	
3928	9-13-05	Authorizing intergovernmental cooperation agreement with the Glenwood-Watson Transportation Development District	NGA	
3929	9-13-05	Authorizing and approving certificates of participation Series 2002	NGA	
3930	9-27-05	Urban development procedures	Rpld	<u>19-51</u> —19-63
			Added	<u>19-51</u> —19-66
3931	9-27-05	Approving purchase of deicing salt from the St. Louis County Municipal Salt Co-Op Program	NGA	
3932	9-27-05	Enacting new <u>Ch. 22</u> , signs	1 Rpld	<u>22-1</u> —22-37
			2 Added	<u>22-1</u> —22-34

		intersections		
3934	9-27-05	Authorizing the borrowing of sums from the Southwest Bank of St. Louis	NGA	
3935	9-27-05	Approving an operating agreement and lease with the Metropolitan Park and Recreation District	NGA	
3936	10- 4-05	Authorizing the borrowing of sums from the Southwest Bank of St. Louis	NGA	
3937	10-11-05	Authorizing the execution of the tax increment revenue notes	NGA	
3938	10-25-05	Rezoning	NGA	
3939	10-25-05	Authorizing the city to enter into an amended and restated intergovernmental agreement with the Crestwood Point Transportation Dev. Dist. and the Crestwood Point Community Improvement Dist.	NGA	
3940	10-25-05	Amends landscape and streetscape standards	1 Dlt	<u>26-311(2)d</u>
				<u>26-311(4)a.2</u>
				<u>26-311(4)b.1—5</u>
				<u>26-312(1)(2)(5)(6)</u>
				<u>26-317</u>
3941	10-25-05	Authorizing transfer of certain revenues	NGA	
3942	10-25-05	Authorizing the borrowing of sums	NGA	

3943	11- 8-05	Approving an agreement with Schmercahl Treloar & Co. P.C. to provide financial auditing and related services	NGA	
3944	11- 8-05	Fair housing	1—8	<u>7-151—7-158</u>
3945	11-22-05	Amends property maintenance code	1, 2 Added	<u>7-</u> <u>33(c)302.7.2</u>
3946	11-22-05	Amends merchant fees on businesses	1	<u>13-201, 13-210, 13-211, 13-212</u>
3947	11-22-05	Amendment to increase tax rates on gross receipts derived from utilities provided to commercial subscribers	1—3	<u>25-43—25-45</u>
3948	12-13-05	Rezoning	NGA	
3949	1-10-06	Conditionally approving the site plan for exterior modifications and a minor addition to the building at 9809 Watson Road	NGA	
3950	1-10-06	Operating budget fiscal year beginning Jan. 1, 2006	NGA	
3951	1-10-06	Capital expenditures budget fiscal year beginning Jan. 1, 2006	NGA	
3952	1-10-06	Parks and stormwater expenditures budget fiscal year beginning Jan. 1, 2006	NGA	
3953	1-10-06	Approving an agreement with Kofron Catering for the operation of the Sappington House Barn Center Restaurant	NGA	
3954	1-10-06	Authorizing a proposition and calling	NGA	

3955	1-10-06	Authorizing a proposition and calling for an election to amend the Charter	NGA	
3956	1-10-06	Authorizing a proposition and calling for an election to amend the Charter	NGA	
3957	1-10-06	Authorizing a proposition and calling for an election to amend the Charter	NGA	
3958	1-17-06	Calling for an election within the city for the purpose of submitting to the qualified voters of the city the question of imposing a general property tax	NGA	
3959	1-24-06	Development plan submitted by Sappington Square, LLC	NGA	
3960	1-24-06	Development plan submitted by Sappington Square, LLC	NGA	
3961	1-24-06	Extension of an agreement with Lifeguards Unlimited, Inc. for operation and maintenance of the Crestwood Aquatic Center	NGA	
3962	1-24-06	Approving an agreement between the city and Onyx Waste Services Midwest, Inc.	NGA	
3963	1-24-06	Enacts new <u>Chapter 23</u>	1 Rpld	<u>23-1—23-14</u>
			Added	<u>23-1—23-14</u>
3964	2-14-06	Approving a professional services agreement with Tope Plumbing to perform inspection services in connection with the sanitary sewer lateral investigation program within the city	NGA	

		Spasnick Plumbing, Inc. for sewer lateral repair work within the city		
3966	2-14-06	Approving an agreement with T. Hill Construction, Inc. for sanitary sewer lateral restoration work within the city	NGA	
3967	2-14-06	Granting a conditional use permit to the Salvation Army for the construction and operation of a family store and donation center	NGA	
3968	2-28-06	Approving the final plat of Spectrum Acquisitions Plat 1	NGA	
3969	2-28-06	Approving a professional services agreement with Sharp Mechanical Incorporated to perform on-call HVAC repair and services for the city	NGA	
3970	2-28-06	Approving a professional services agreement with Bieg Plumbing to perform on-call plumbing services and repair for the city	NGA	
3971	2-28-06	Approving a city-contractor agreement with St. Louis Select Landscaping and Lawncare, LLC, for mowing services	NGA	
3972	3-14-06	Approving the purchase of concrete from Raineri Ready-Mix for the replacement of concrete slabs	NGA	
3973	3-14-06	Approving the purchase of rock from Bussen Quarries for the city's concrete slab replacement program	NGA	
3974	3-28-06	Amending <u>Ch. 7</u> electrical code	1	<u>7-1</u> (4)
3975	3-28-06	Providing for the lighting by electricity	NGA	

		other public places in the city		
3976	4-11-06	<u>Ch. 9</u>	1 Rpld	<u>9-36, 9-37</u>
			Added	<u>9-36, 9-37</u>
3977	4-11-06	Amending budget ordinances	NGA	
3978	4-25-06	Establishing tax rate for telephone companies	1—4	<u>25-46</u>
3979	4-25-06	Amending sections of merchants, manufacturers, service occupation and service business taxes	1	<u>13-201, 13-202</u>
			Dltd	<u>13-204(d)</u>
				<u>13-209</u>
			Dltd	<u>13-209(a)</u> (1)b
				<u>13-211, 13-212</u>
			Dltd	<u>13-213</u>
				<u>13-218(a)</u> (b), <u>13-223(a), 13-226(a)</u>
			Added	<u>13-231, 13-232</u>
3980	5- 9-06	Approving the purchase of a pavement saw from Goedecke Construction Equipment and Supplies	NGA	
3981	5-23-06	Amends Ord. No. 3979	1	Art. III(note)
3982	6-13-06	Approving two (2) off-premise signs for the First Baptist Church of	NGA	

3983	6-13-06	Selecting the health insurance plan provided by Group Health Plan (GHP)	NGA	
3984	6-13-06	Amends penalties <u>§ 1-6</u>	1	<u>1-6</u>
3985	6-13-06	Approving an agreement between the city and city attorney Robert J. Golterman	NGA	
3986	7-11-06	Amends motor vehicle and traffic code	1	<u>14-25</u>
			2 Added	<u>14-31</u>
3987	7-25-06	Amends fire board	1	<u>9-16(a)</u>
3988	7-26-06	Amends park board—generally	1	<u>17-1(a)</u>
3989	7-25-06	Amends water	1	<u>25-43</u>
3990	7-25-06	Amends gas	1	<u>25-44</u>
3991	7-25-06	Amends electricity	1	<u>25-45</u>
3992	7-25-06	Approving an agreement with Duraseal Paving Contractor for the construction of certain roadway improvements within the city	NGA	
3993	8-22-06	Authorizing the issuance of tax increment refunding revenue bonds	NGA	
3994	8-22-06	Approving the final subdivision plat for the construction of a general office building	NGA	
3995	8-22-06	Conditionally approving the site plan for external modifications and construction to the Cenveo Color Art Building	NGA	

		levy for the year 2006 on all taxable residential, commercial, and personal property in the city		
3997	9-26-06	Rezoning certain property herein described from the M-1 light industrial classification district to the R-4 7500 square foot single family residential classification district	NGA	
3998	9-26-06	Approving the subdivision of property located at 8659 Pardee Lane	NGA	
3999	9-26-06	Amends section relating to through streets and stop intersections	1	<u>14-183</u>
4000	9-26-06	Approving a contractual agreement between the city and TIP Systems LLC for the placement of inmate telephone equipment	NGA	
4001	9-26-06	Repealing sections pertaining to massage parlors and enacting a new sections regulating sexually oriented businesses	1 Rpld	<u>13-161—</u> 13-182
			Added	<u>13-161—</u> 13-184
4002	10-10-06	Approving the fourth amendment to development contract between the city and Big Bend Crossing Redevelopment Corporation, it successors and assigns	NGA	
4003	10-10-06	Approving a preliminary funding agreement between the city and GJ Grewe, Inc.	NGA	
4004	10-10-06	Approving an agreement with Peckham Guyton Albers & Viets, Inc. ("PGAV") for planning technical and	NGA	

		connection with the redevelopment of an area within the city known as Crestwood Square		
4005	10-10-06	Authorizing the approval of a letter of credit deposit agreement for Spectrum Acquisition Partners, LLC in connection with the development of a senior living facility at 8660 Grant Road	NGA	
4006	10-10-06	Adopting a revised sewer lateral policy	1	<u>21-7</u>
4007	10-24-06	Authorizing the city to execute and deliver an annual appropriation note	NGA	
4008	10-24-06	Approving a petition requesting the formation of the Sappington Square Community Improvement District; establishing the district as a political subdivision of the state	NGA	
4009	10-24-06	Approving the final development plan for Sappington Square and authorizing the city clerk to execute the final plan		
	NGA			
4010	10-24-06	Approving the purchase of two salt spreaders from Knapheide Truck Equipment Center	NGA	
4011	10-24-06	Amending deleting sections <u>24-29</u> , 24-30 and <u>24-31</u> and enacting a new <u>section 24-29</u> and thereby authorizing and approving the adoption of the city's procedure for the vacation of city owned right-of-way	1 DltD	<u>24-29</u> —24-31

			Added	
4012	11-14-06	Granting a conditional use permit for the construction and operation of a mixed use medical/retail building at 10296 Big Bend Boulevard as part of the development known as Big Bend Crossing within the city	NGA	
4013	11-28-06	Approving the final subdivision plat for property located at 9112 Pardee Spur, within the city	NGA	
4014	12-12-06	Approving a development contract by and among the city, Crestwood Square Community Improvement District and Crestwood Square Associates, L.P.	NGA	
4015	12-12-06	Designating a portion of the city as a blighted area	NGA	
4016	12-12-06	Approving a petition requesting the formation of the Crestwood Square Community Improvement District; establishing the district as a political subdivision of the state	NGA	
4017	12-12-06	Approving the operating budget for the fiscal year beginning January 1, 2007	NGA	
4018	12-12-06	Approving the parks and stormwater expenditures budget for the fiscal year beginning January 1, 2007	NGA	
4019	12-12-06	Approving the capital expenditures budget for the fiscal year beginning January 1, 2007	NGA	
4020	12-12-06	Approving an agreement by and between the Missouri Highways and	NGA	

		city relating to the reconstruction of the Pardee Road Bridge in the city		
4021	12-12-06	Approving an agreement with Burns & McDonnell Engineering Company for professional planning, design and construction services in connection with the reconstruction of the Pardee Road Bridge	NGA	
4022	1- 9-07	Approving the Consent and Estoppel Agreement by and between the City of Crestwood, Missouri and Metropolitan Urological Properties, LLC.	NGA	
4023	1-23-07	Approving a supplemental agreement with Howard R. Green Company for additional design services in connection with the reconstruction of Grant Road from Watson Road to Pardee Road	NGA	
4024	1-23-07	Approving an extension of an agreement with Lifeguards Unlimited, Inc. for operation and maintenance of the Crestwood Aquatic Center for the period April 1, 2007 through March 31, 2008	NGA	
4025	2-13-07	Approving a cooperative agreement by and among the city, Sappington Square Community Improvement District, Sappington Square Development, Inc. and Sappington Square Associates, L.P.	NGA	
4026	2-13-07	Approving a professional services agreement with Engineering Evaluations Inspections, Inc. in connection with the residential rental	NGA	

		the city		
4027	2-13-07	Approving a professional services agreement with Accurate Sewer Company to perform inspection services in connection with the sanitary sewer lateral investigation program within the city	NGA	
4028	2-13-07	Approving an agreement with Bieg Plumbing Contracting and Service Co., Inc. for sewer lateral repair work within the city	NGA	
4029	2-13-07	Approving an agreement with T. Hill Construction, Inc. for sanitary sewer lateral restoration work within the city	NGA	
4030	2-13-07	Approving the extension of an existing mowing services agreement between the city	NGA	
4031	2-22-07	Approving the fifth amendment to development contract between the city and Big Bend Crossing Redevelopment Corporation, its successors and assigns, and authorizing and directing the mayor to execute same on behalf of the city	NGA	
4032	2-28-07	Granting a conditional use permit for the construction and operation of a medical office building at 10296 Big Bend Boulevard as part of the development known as Big Bend Crossing within the city	NGA	
4033	2-28-07	Granting a conditional use permit for the construction and operation of a retail shopping center at 10200 Big Bend Boulevard as part of the	NGA	

		Crossing within the city		
4034	2-28-07	Granting a conditional use permit to Monkey Joe's for the operation of a recreational facility at 9601 Watson Road	NGA	
4036	3-13-07	Approving an agreement with Aulbach Contracting, Inc. for the installation of a concrete block wall as part of the reconfiguration of the city's firing range	NGA	
4035	2-28-07	Amending <u>chapter 2, section 2-53(i)(1)</u> and <u>chapter 2, section 2-59</u> of the Municipal Code eliminating the director of finance position	1	<u>2-53(i)(1)</u>
			2 Dltd	<u>2-59</u>
4037	3-13-07	Approving an agreement between the city and Regional Justice Information Services (REJIS) for the provision of technology support for the city	NGA	
4038	3-13-07	Amending <u>chapter 14</u> , article I of the City Municipal Code pertaining to the operation of motor vehicles by deleting existing <u>section 14-13</u> relating to emergency vehicles and enacting a new <u>section 14-13</u>	1	<u>14-13</u>
4039	3-13-07	Approving the purchase of ten (10) police vehicles from Dave Sinclair Ford, Inc.	NGA	
4040	3-13-07	Approving the payment to Adgraphix, LLC, from the capital improvements fund, for the purchase and installation of decals for police department vehicles	NGA	

		Safety Products Co., from the capital improvements fund, for the purchase and installation of certain equipment and mountings for the city's police vehicles		
4042	4-10-07	Amending <u>chapter 14</u> , article V of the City Municipal Code pertaining to the operation of motor vehicles by adding a new section 14-133 which adopts the state law regulating the use of sun screening devices on motor vehicles	1 Added	<u>14-133</u>
4043	4-10-07	Authorizing the approval of a letter of credit deposit agreement for Sappington Square, LLC in connection with the development of a retail center at the southeast corner of Old Sappington Road and Watson Road within the city	NGA	
4044	4-10-07	Amending <u>chapter 6</u> of the Municipal Code of the city by deleting sections <u>6-1</u> through <u>6-13</u> and enacting new sections <u>6-1</u> through 6-23, to be known as the animal control code of the city	Dltd	<u>6-1</u> —6-13
			Added	<u>6-1</u> —6-23
4045	4-10-07	Repealing Ordinance No. 3617, relating to certain sections of the city's civil service rules and regulations	NGA	
4046	4-10-07	Repealing Ordinance Nos. 3751 and 3762, relating to the city's compensation and classification plan for its employees as set forth in Chapters III and IV of the city's civil service rules and regulations	NGA	

4047	4-10-07	Amending <u>chapter 18, section 18-7</u> of the municipal code of the city as relates to the civil service board	1	<u>18-7(2)(4)</u>
			Added	<u>18-7(8)</u>
4048	4-10-07	Amending <u>chapter 2, article v, section 2-141</u> , of the Municipal Code of the city relating to the employment of relatives with the city	1	<u>2-141</u>
4049	4-10-07	Amending <u>chapter 2, section 2-146</u> , of the Municipal Code of the city relating to the city's family and medical leave policy	1	<u>2-146</u>
4050	4-10-07	Amending <u>chapter 18, section 18-8</u> of the Municipal Code of the city relating to the classification of employees	1	<u>18-8(1)</u>
4051	4-10-07	Amending <u>chapter 18, section 18-13</u> , of the Municipal Code of the city relating to the disqualification of applicants for employment with the city	1	<u>18-13</u>
4052	4-10-07	Amending <u>chapter 18, section 18-15</u> , of the Municipal Code of the city relating to the city's alcohol and controlled substance policy	1	<u>18-15</u>
4053	4-10-07	Amending <u>chapter 18, article II, sections 18-31, 18-32 and 18-33</u> of the Municipal Code of the city relating to the city's policy against harassment of city employees	1	<u>18-31—18-33</u>
4054	4-10-07	Adopting the civil service rules and regulations for the city	NGA	
4055	4-24-07	Amending Ordinance Nos 3804 and	NGA	

		into a first amended and restated Intergovernmental Cooperation Agreement with the Crestwood Point Transportation Development District and the Crestwood Point Community Improvement District		
4056	5- 8-07	Approving an agreement with N. B. West Contracting Company for the construction of certain roadway improvements within the city	NGA	
4057	5- 8-07	Approving the purchase of concrete from Riley Ready-Mix and Materials, Inc. for the replacement of concrete slabs	NGA	
4058	5- 8-07	Approving the purchase of a skid steer from Bobcat Company of St. Louis	NGA	
4059	5- 8-07	Amending Ordinance No. 3981, which previously amended Ordinance No. 3979, in order to further extend the effective date of Ordinance No. 3979 which eliminated the service business classification from the city's business taxes ordinance	1	Art. III(note)
4060	5- 8-07	Approving the city to enter into a lease-purchase agreement with Ford Municipal Financing to finance the purchase of ten (10) police vehicles	NGA	
4061	5-22-07	Amending <u>chapter 14</u> of the Crestwood Municipal Code, relating to motor vehicles and traffic, by amending <u>section 14-183</u> , relating to through streets and stop intersections	1	<u>14-183</u>
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		truck with plow and spreader from International Truck and Engine		
4063	6-12-07	Selecting the dental insurance plan provided by Guardian for all eligible employees for the period July 1, 2007 through June 30, 2008	NGA	
4064	6-18-07	Selecting the health insurance plan provided by United Health Care (UHC) for all eligible employees for the period July 1, 2007 through June 30, 2008	NGA	
4065	6-27-07	Amending Ordinance Nos. 3549, 3595 and 3634 and authorizing the city to enter into a first amendment to redevelopment agreement with the Crestwood Point Development, L.L.C.	NGA	
4066	6-26-07	Granting a conditional use permit for the construction and operation of a restaurant at 8958 Watson Road as part of the Creston Center, within the city	NGA	
4067	6-26-07	Granting a conditional use permit for the construction and operation of a heating, air conditioning and refrigeration business at 8900 Watson Road within the city	NGA	
4068	6-26-07	Granting a conditional use permit for the construction and operation of a gas station, convenience store and car wash at 8600 and 8614 Watson Road, within the city	NGA	
4069	6-26-07	Approving an amendment to an agreement between the city and Veolia Environmental Services (formerly City Waste Services)	NGA	

		collection and disposal of solid waste within the city		
4070	7-10-07	Approving a contract with St. Louis County for mosquito control services	NGA	
4071	7-24-07	Amending <u>chapter 5</u> of the Crestwood Municipal Code, relating to purchase or possession of an intoxicating liquor by a minor, in order to conform to section 311.325, RSMo	1	<u>5-23(d)</u>
4072	7-24-07	Amending <u>chapter 14</u> , art. I of the City of Crestwood Municipal Code, pertaining to the operation of motor vehicles, in order to conform to the state law regulating the use of intermediate driver's licenses	1 Added	<u>14-10.1</u>
4073	7-24-07	Amending <u>chapter 14</u> of the Crestwood Municipal Code relating to the offenses of driving while intoxicated or drugged and driving with excessive blood alcohol content	1	<u>14-125</u>
			Rpld	14.125.1
4074	7-24-07	Granting a conditional use permit for the construction and operation of a restaurant at 9590 Watson Road with Building E of the Sappington Square Development, within the city	NGA	
4075	8-21-07	Granting a conditional use permit for the construction and operation of a Pancheros Restaurant on Watson Road within Building C of the Sappington Square Development, within the city	NGA	
4076	8-28-07	Granting a conditional use permit to	NGA	

		and operation of a bank with drive thru service at 9945 Watson Road, within the city		
4077	8-28-07	Establishing the annual rates of tax levies for the year 2007 on all taxable residential, commercial and personal property in the city and providing for the extension of said taxes on the books of the collector	NGA	
4078	8-28-07	Repealing Ordinance No. 4006, which previously amended Ordinance No. 3530 and enacting a new sewer lateral policy as it pertains to the measurement of the maximum fund balance as well as the eligibility requirements for the program	1	<u>21-7</u> (note)
4079	8-28-07	Amending <u>chapter 16</u> of the Municipal Code relating to public nuisances by enacting a section to regulate the storage of firewood within the city	1 Added	<u>16-56(b)(7)</u>
4080	9-11-07	Reaffirming and readopting <u>section 2-66</u> of the Municipal Code, relating to the disclosure of potential conflicts of interest and substantial interests of the part of the mayor, members of the board of aldermen, city administrator and finance officer	1	<u>2-66</u> (note)
4081	9-11-07	Approving an agreement with Corvera Abatement Technologies for the demolition of the Quarry House and Storage structure within Whitecliff Park, authorizing and directing the mayor to enter into said agreement on behalf of the city and authorizing a budget transfer in connection with the services to be performed	NGA	

		Salt from St. Louis County Municipal Salt Co-op Program for \$13,340.00.	
4083	9-11-07	Amending Ordinance No. 4008 and approving an amended and restated cooperative agreement by and among the city, Sappington Square Community Improvement District, Sappington Square Development, Inc. and Sappington Square, LLC; and directing and authorizing city officials to take certain actions related to the same	NGA
4084	10- 9-07	Amending Ordinance No. 3979, which was previously amended by Ordinance No. 3981 and Ordinance No. 4059, in order to permanently extend the effective date of Ordinance 3979 which eliminated the service business classification from the city's business taxes ordinance	NGA
4085	10-23-07	Conditionally approving the site plan for external modifications and construction to the building at 9420 Watson Road within the city	NGA
4086	10-23-07	Approving a settlement agreement with Verizon Wireless	NGA
4087	11-13-07	Approving agreements with AT&T Inc. and related entities for certain telephone services and authorizing the city to enter into said agreements with AT&T regarding same	NGA
4088	11-13-07	Approving a city-contractor agreement by and between NB West Contracting Company and the city, relating to the reconstruction of Grant	NGA

		mayor and city clerk to execute said agreement on behalf of the city	
4089	11-13-07	Approving a professional services agreement with SCI Engineering, Inc. for material testing and inspection services in connection with the Grant Road construction project and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city	NGA
4090	11-13-07	Approving the purchase of one (1) sport utility vehicle in an amount not to exceed \$20,000.00 and authorizing the mayor and city clerk to execute all necessary documents in connection with the purchase	NGA
4091	11-27-07	Approving a cooperation agreement between the city and The Sappington House Foundation for sharing of the costs to replace walkways at The Sappington House	NGA
4092	11-27-07	Approving a communications system agreement with Motorola, Inc. and authorizing the mayor and city clerk to execute all necessary documents in connection with the purchase	NGA
4093	12-11-07	Approving a settlement agreement with US Cellular	NGA
4094	12-11-07	Approving an STP-Urban Program agreement by and between the Missouri Highways and Transportation Commission and the city, relating to the reconstruction of the Whitecliff Park Service Bridge in	NGA

		city clerk to execute said agreement on behalf of the city		
4095	12-11-07	Approving an STP-Urban Program supplemental agreement by and between the Missouri Highways and Transportation Commission and the city, relating to the reconstruction of the Pardee Road Bridge in the city and directing the mayor and city clerk to execute said agreement on behalf of the city	NGA	
4096	12-11-07	Approving an on-system bridge replacement and rehabilitation agreement by and between the Missouri Highways and Transportation Commission and the city, relating to the reconstruction of the Pardee Road Bridge in the city and directing the mayor and city clerk to execute said agreement on behalf of the city	NGA	
4097	12-11-07	Approving the operating budget for the fiscal year beginning January 1, 2008	NGA	
4098	12-11-07	Approving the parks and stormwater expenditures budget for the fiscal year beginning January 1, 2008	NGA	
4099	12-11-07	Approving the capital expenditures budget for the fiscal year beginning January 1, 2008	NGA	
4100	1- 8-08	Enacting a new <u>division 18</u> to article IV of <u>chapter 26</u> . To be known as the Stream Buffer Protection Ordinance.	1 Added	<u>Div. 18. 26-450—26-462</u>
4101	1- 8-08	Approving and agreement with T. Hill	NGA	

		lateral restoration work within the city and authorizing and directing the mayor and city clerk to execute the agreement.		
4102	1- 8-08	Approving an agreement with Bieg Plumbing Contracting and Service Co., Inc. for sewer lateral repair work within the city and authorizing and directing the mayor and city clerk to execute the agreement	NGA	
4103	1- 8-08	Approving a professional services agreement with Accurate Sewer Company to perform inspection services in connection with the sanitary sewer lateral investigation program within the city and authorizing and directing the mayor and city clerk to execute the agreement.	NGA	
4104	1- 8-08	Approving the extension of an existing mowing services agreement between the city and St. Louis Select Landscaping and Lawncare, LLC.	NGA	
4105	1- 8-08	Authorizing the mayor to execute an agreement on behalf of the city with St. Louis County, MO for prosecution of municipal ordinances in St. Louis County Municipal Court Mental Health Court/Jail Diversion Program.	NGA	
4106	1- 8-08	Amending <u>chapter 15</u> to assess costs of incarceration against inmates in the St. Louis County Jail.	1 Added	<u>15-31(e)</u>
4107	1- 8-08	Authorizing and approving a transaction fee for various payments made by credit card to the city.	NGA	

		establishment of a court cost surcharge for maintenance of the Live Scan Fingerprinting System.	Added	
4109	1-22-08	Approving a services agreement between the city and Regional Justice Information Services (REJIS) and authorizing and directing the mayor to execute the services agreement.	NGA	
4110	1-22-08	Approving an extension of an agreement with Lifeguards Unlimited, Inc. for operation and maintenance of the Crestwood Aquatic Center for the period April 1, 2008 through March 31, 2009 and authorizing and directing the mayor to execute said extension.	NGA	
4111	1-22-08	Approving a settlement agreement with Sprint Nextel Corporation.	NGA	
4112	1-22-08	Approving a settlement agreement with AT&T Mobility, LLC.	NGA	
4113	HELD	Granting a special permit to Schnucks, located at 9540 Watson Road, Crestwood, MO, to remove any time restrictions as relate to the deliveries of products at the facility's southwest loading dock and authorizing the director of public services to issue said permit upon the conditions set forth herein.	NGA	
4114	2-26-08	Conditionally approving the site plan for external modifications and construction to the Jim Butler Chevrolet building at 9900 Watson Road, Crestwood, MO.	NGA	
4115	2-26-08	Approving an agreement with	NGA	

		work to be performed at the Crestwood Community Center, approving a budge adjustment in connection therewith and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement.		
4116	2-26-08	Approving a city-contractor agreement between the city and Kelpo Contracting, Inc. for concrete slab replacement work in the city and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement.	NGA	
4117	2-26-08	Approving the purchase of concrete from Lemay Block Company to be used in connection with the city's concrete slab replacement program.	NGA	
4118	2-26-08	Amending <u>chapter 16</u> by deleting the existing <u>section 16-22</u> relating to annoying telephone calls and enacting a new <u>section 16-22</u> relating to various forms of harassment.	1 Dltd Added	<u>16-22</u> <u>16-22</u>
4119	3-11-08	Approving a wireless network agreement with N1 Communications, D/B/A Network One Communications, LLC and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement.	NGA	
4120	3-11-08	Approving adjustments to the compensation paid to city attorney Robert J. Golterman.	NGA	
4121	3-11-08	Amending Ordinance No. 4097, the general fund expenditures budget for the fiscal year beginning January 1	NGA	

4122	3-25-08	Authorizing the purchase of vehicles and equipment through the Missouri State Bid Cooperative Procurement Program in the total sum of one hundred ninety-three thousand four hundred sixty-five dollars and thirty-nine cents (\$193,465.39) and designating certain other trucks, vehicles and equipment currently owned by the city as surplus property.	NGA	
4123	4-22-08	Rezoning certain property herein described from the C-1 Commercial Classification District to the R-3 ten thousand (10,000) square foot Single Family Residential Classification District and directing that the zoning district map be amended to reflect such change.	NGA	
4124	4-22-08	Providing that upon the fulfillment of certain conditions within the time limits specified herein and with reservations for certain utility easements, the public right-of-way known as Tower Place, from Satinwood Drive to Wildwood Circle Drive, shall be hereby vacated and abolished.	NGA	
4125	4-22-08	Amending <u>chapter 14</u> , article V, pertaining to the enforcement of speed limits and establishing speed limits within school zones.	1 Dlt Added	<u>14-128(b)</u> <u>14-128(b)</u>
4126	5-13-08	Calling for an election within the city on August 5, 2008, for the purpose of submitting to the qualified voters of the city the question of imposing a	NGA	

		commercial and personal property for the purposes described herein and to be imposed for six (6) years.		
4127	5-27-08	Conditionally approving a site plan for exterior modifications to the building at 8625 Grant Road, Crestwood, MO.	NGA	
4128	5-27-08	Conditional use permit to Enterprise Rent-A-Car for the operation of an automobile rental facility at 9916 Watson Road, Crestwood, MO.	NGA	
4129	6-10-08	Amending <u>chapter 14</u> relating to motor vehicles and traffic, relating to no-parking and restricted parking zones.	1	<u>14-185</u>
4130	6-10-08	Selecting various providers for the city's employee benefits plans and authorizing the city to enter into agreements with said providers for the period beginning July 1, 2008 through June 30, 2009.	NGA	
4131	6-24-08	Conditional use permit to Jim Butler Chevrolet for the operation of an automobile dealership, including used car sales at 9900 Watson Road, Crestwood, MO.	NGA	
4132	6-24-08	Conditional use permit to Jim Butler Chevrolet for the operation of an autobody repair facility at 9900 Watson Road, Crestwood, MO.	NGA	
4133	6-24-08	Amending <u>chapter 26</u> , article IV, <u>division 16</u> , of the city's zoning and subdivision regulations, relating to permitted and conditional land uses within the city.	1 Dltd Added	<u>26-401</u> <u>26-401</u>

4134	6-24-08	Approving an extension of an agreement with Veolia Environmental Services for solid waste service for the period April 1, 2009 through March 31, 2011 and authorizing and directing the mayor to execute said extension.	NGA	
4135	6-24-08	Granting a special use permit to the Metropolitan St. Louis Sewer District which would temporarily remove any time restrictions associated with construction of the Argonne Sanitary Relief Project and authorizing the director of public services to issue said permit upon the conditions set forth herein.	NGA	
4136	8-12-08	Approving the final subdivision plat for property located at 3 Wildwood Circle, within the City of Crestwood, Missouri.	NGA	
4137	8-12-08	Approving the final subdivision plat for property located at 1003 Tower Place, within the City of Crestwood, Missouri.	NGA	
4138	8-12-08	Approving the purchase of one thousand (1,000) tons of deicing salt from the St. Louis County Municipal Salt Co-op Program for forty-seven thousand one hundred forty dollars (\$47,140.00).	NGA	
4139	8-12-08	Amending <u>chapter 2</u> , article III, <u>section 2-53</u> of the Municipal Code of the City of Crestwood, Missouri, relating to the office of the city administrator, and more specifically, the residency requirement pertaining to said	1	<u>2-53(b)</u>

4140	8-26-08	Granting a conditional use permit to Stepping Stones Academy for the operation of a preschool at 1414 Sappington Road, within the City of Crestwood, Missouri.	NGA	
4141	8-12-08	Establishing the annual rates of tax levies for the year 2008 on all taxable residential, commercial, and personal property in the City of Crestwood and providing for the extension of said taxes on the books of the collector.	NGA	
4142	10-14-08	Approving the compensation and other terms of employment of the city administrator, James A. Eckrich.	NGA	
4143	8-14-08	Amending <u>chapter 14</u> , article VII of the Crestwood Municipal Code, by enacting a new <u>section 14-191</u> prohibiting certain turning movements at Grant's Farm and Pardee Road within the City of Crestwood, Missouri.	1 Added	<u>14-191</u>
4144	10-28-08	Conditionally approving a site plan for exterior modifications and construction to the Sam's Club at 10248 Big Bend Boulevard within the City of Crestwood, Missouri.	NGA	
4145	11-25-08	Approving a mowing services agreement between the City of Crestwood, Missouri and St. Louis Select Landscaping and Lawncare, LLC.	NGA	
4146	11-25-08	Amending <u>chapter 16</u> of the Municipal Code of the City of Crestwood, Missouri, by enacting ten (10) new sections (16-59 through 16-68) to be	1 Added	<u>16-100—</u> 16-109

		Family Violence Act. (Sections <u>16-59</u> — <u>16-68</u> alternately placed as sections <u>16-100</u> — <u>16-109</u>).		
4147	11-25-08	Amending <u>chapter 16, section 16-1</u> of the Municipal Code by deleting the existing <u>section 16-1</u> in its entirety and enacting a new <u>section 16-1</u> relating to the commission of an assault within the City of Crestwood, Missouri.	1 Dltd Added	<u>16-1</u> <u>16-1</u>
4148	11-25-08	Amending <u>chapter 16, section 16-53</u> of the Crestwood Municipal Code, by repealing the existing section in its entirety and exacting a new <u>section 16-53</u> relating to offenses concerning controlled substances.	1 Rpld Added	<u>16-53</u> <u>16-53</u>
4149	11-25-08	Amending <u>chapter 14</u> , article V of the Crestwood Municipal Code, by adding certain sections adopting state traffic regulations.	1 Added	<u>14-134</u> — 14-138
4150	11-25-08	Amending <u>chapter 16</u> of the City of Crestwood Municipal Code by adding a new section 16-69 prohibiting the distribution of tobacco products to minors. (Section 16-69 alternately placed as <u>section 16-59</u>)	1 Added	<u>16-59</u>
4151	12-09-08	Amending <u>chapter 14</u> of the Crestwood Municipal Code, relating to motor vehicles and traffic, by amending <u>section 14-185</u> , relating to no-parking and restricted parking zones.	1	<u>14-185</u>
4152	12-09-08	Approving an agreement with Lifeguards Unlimited Inc., for operation and maintenance of the Whitecliffs Park Aquatic Center and	NGA	

		to execute said agreement on behalf of the city.		
4153	12-09-08	Extending an agreement with Schmersahl Treloar & Co., P.C. to provide financial auditing and related services for the fiscal year January 1, 2008 through December 31, 2008 and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4154	12-09-08	Approving the operating budget for the fiscal year beginning January 1, 2009 and including a summary of general fund expenditures.	NGA	
4155	12-09-08	Approving the parks and stormwater budget for the fiscal year beginning January 1, 2009 and containing a summary of parks and stormwater expenditures.	NGA	
4156	12-09-08	Approving the capital program budget for the fiscal year beginning January 1, 2009 and containing a summary of capital expenditures.	NGA	
4157	1-13-09	Amending Ordinance Number 4155, the parks and stormwater expenditures budget for the fiscal year beginning January 1, 2009.	NGA	
4158	1-13-09	Approving and agreement with Accurate Sewer Company to perform inspection services in connection with the Sanitary Sewer Lateral Investigation Program and authorizing and directing the mayor and city clerk to execute said agreement.	NGA	

		Plumbing Contracting and Service Co., Inc. for sewer lateral repair work and authorizing and directing the mayor and city clerk.		
4160	1-13-09	Approving an agreement with T. Hill Construction, Inc. for sanitary sewer lateral restoration work and authorizing and directing the mayor and city clerk.	NGA	
4161	1-27-09	Rezoning certain property located at 9401 Eddie and Park Road from the R-1 single-family residential district to the R-3 single-family residential district and directing that the zoning map be amended.	NGA	
4162	1-27-09	Conditionally approving the final subdivision plat for property located at 9401 Eddie and Park Road.	NGA	
4163	1-27-09	Approving an agreement between the city and Vermont Systems, Inc. for software licenses, installation, training, equipment and support services.	NGA	
4164	1-13-09	Amending Ordinance Number 4154, the general fund expenditures budget for fiscal year beginning January 1, 2009.	NGA	
4165	1-27-09	Amending Ordinance Number 4155, the parks and stormwater expenditures budget for the fiscal year beginning January 1, 2009.	NGA	
4166	1-27-09	Amending Ordinance Number 4156, the capital program budget for the fiscal year beginning January 1, 2009.	NGA	

4167	2-10-09	Amending <u>chapter 15</u> establishing the compensation of the municipal court judge.	1 Rpld Added	<u>15-3(e)</u> <u>15-3(e)</u>
4168	2-10-09	Amending <u>chapter 15</u> relating to the appointment and compensation of municipal court personnel.	Rpld Added	<u>15-7</u> <u>15-7</u>
4169	2-10-09	Amending Ordinance Number 4154, the general fund expenditures budget for fiscal year beginning January 1, 2009.	NGA	
4170	2-24-09	Amending <u>chapter 14</u> relating to no-parking and restricted parking zones.	1	<u>14-185</u>
4171	3-10-09	Approving a professional services agreement with Engineering Evaluations Inspections, Inc. in connection with the residential rental re-occupancy inspection program and authorizing and directing the mayor and city clerk to execute said agreement.	NGA	
4172	3-10-09	Amending Ordinance Number 4154, the general fund expenditures budget for rental inspections, for fiscal year beginning January 1, 2009.	NGA	
4173	3-10-09	Approving a services agreement between the city and Regional Justice Information Services ("REJIS") for the provision of technology support for the city.	NGA	
4174	3-10-09	Amending Ordinance Number 4154, the general fund expenditures budget for the required prepayment of the annual appropriation note series 2006, for fiscal year beginning January 1, 2009.	NGA	

4175	3-24-09	Granting a conditional use permit to Sister's Café for the construction and operation of a take-out restaurant at 318 Crestwood Court.	NGA	
4176	3-24-09	Approving a grant agreement between the municipal park grant commission and the city and authorizing the mayor to execute on behalf of the city.	NGA	
4177	3-24-09	Approving an agreement with Hall & Associates, L.L.C. for professional surveying, planning, design and architectural services in connection with the Sanders Park Improvement Project.	NGA	
4178	3-24-09	Amending Ordinance Number 4156, the capital program budget for Sanders Park improvements, for fiscal year beginning January 1, 2009.	NGA	
4179	4-14-09	Approving a city-contractor agreement by and between Gershenson Contracting Company and the city relating to the Pardee Road Bridge replacement over Gravois Creek Project and directing the mayor and city clerk to execute said agreement.	NGA	
4180	4-14-09	Approving a professional services agreement between the city and Sci Engineering, Inc., for material testing in the city and authorizing the mayor and city clerk to execute all necessary documents in connection.	NGA	
4181	4-14-09	Approving a city-contractor	NGA	

		Contracting Company and the city relating to the asphalt mill and overlay work on Anaconda Drive, Anchorage Lane, Arban Drive, Attucks, Bali Court, Crestwood Drive, Del Vista Drive, Greencrest Court, Lodgepole Lane, Reco Drive and Rudson Lane in the city and directing the mayor and city clerk to execute said agreement.		
4182	4-14-09	Amending <u>chapter 14</u> by repealing article III relating to registration and license stickers.	1 Rpld	14-71—14-74
4183	4-14-09	Amending <u>chapter 2</u> relating to the city's retirement system.	1 Dltd Added	<u>2-171</u> <u>2-171</u>
4184	4-14-09	Amending <u>chapter 2</u> by repealing article VII relating to police and fire pensions.	1 Rpld	2-191—2-207
4185	4-14-09	Amending certain sections of <u>chapter 7</u> relating to the city's building codes and building regulations.	1 Dltd	7-3, <u>7-4</u> , 7-17
4186	4-14-09	Amending certain sections of <u>chapter 14</u> relating to schedule E of the motor vehicles and traffic code, which establishes no-parking in fire lanes.	1	<u>14-186</u>
4187	5-12-09	Amending <u>chapter 14</u> relating to parking after snowfalls.	1 Rpld Added	<u>14-159</u> <u>14-159</u>
4188	5-26-09	Granting a conditional use permit to Mantis Art Café for the construction and operation of a restaurant at 105 Crestwood Court.	NGA	
4189	5-26-09	Amending <u>chapter 4</u> relating to false alarm service charges.	1 Dltd	<u>4-6</u> 4-6

4190	6- 9-09	Selecting the city's health insurance provider for the period beginning July 1, 2009 and ending June 30, 2010 and authorizing the city to enter into an agreement.	NGA	
4191	8-11-09	Approving the purchase of four hundred (400) tons of deicing salt.	NGA	
4192	8-11-09	Authorizing the purchase of a truck through the Missouri State Bid Cooperative Procurement Program and designating a truck currently owned by the city as surplus property.	NGA	
4193	8-11-09	Approving a settlement agreement with AT&T/SBC Landline.	NGA	
4194	7-28-09	Amending <u>chapter 20</u> relating to the police department.	1—3 Dltd	<u>20-1(a)–(c)</u>
			Added	<u>20-1(a)–(c)</u>
			4 Dltd	<u>20-2(d)</u>
			Added	<u>20-2(d)</u>
			5 Dltd	<u>20-4</u>
			Added	<u>20-4</u>
			6	<u>20-8</u>
			7 Dltd	<u>20-10</u>
			Added	<u>20-10</u>
			8 Dltd	20-11—20-

			9	<u>20-15(c)</u> — (e),
				(f)(1), (h)
4195	8-25-09	Approving an agreement with D&S Restaurant, LLC for the operation of the Sappington House Barn Center Restaurant and authorizing and directing the mayor to execute said agreement.	NGA	
4196	8-25-09	Establishing the annual rates of tax levies for the year 2009 on all taxable residential, commercial and personal property and providing for the extension of said taxes on the books of the collector.	NGA	
4197	8-25-09	Amending <u>chapter 2</u> relating to the reporting of potential conflicts of interest and substantial interests on the part of the mayor, members of the board of aldermen, city administrator and the director of finance.	1	<u>2-66</u>
4198	9- 8-09	Approving an agreement with CDG Engineers for professional design services in connection with the reconstruction of the Whitecliff Park Service Bridge and directing the execution of said agreement.	NGA	
4199	9-22-09	Granting a conditional use permit to the training grounds for the operation of an indoor recreational sports facility at 8800 Watson Road in Crestwood.	NGA	
4200	9-22-09	Granting a conditional use permit to the training grounds for the operation of an indoor recreational sports facility at 8800 Watson Road in Crestwood.	NGA	

		for sanitary sewers and stormwater facilities within Sanders Park.		
4201	9-22-09	Amending <u>chapter 26</u> pertaining to accessory buildings and structures and adding definitions relating thereto.	1	<u>26-142</u>
			2	<u>26-186</u>
			3 Added	<u>26-186(4)</u>
4202	10-13-09	Approving an agreement between St. Louis County Department of Health and the city and authorizing the execution of same.	NGA	
4203	10-13-09	Amending <u>chapter 2</u> relating to the city's family and medical leave policy.	1(Exh. A) Dlt'd Added	<u>2-146</u> <u>2-146</u>
4204	10-13-09	Amending <u>chapter 18</u> relating to the civil service board.	1 Dlt'd	<u>18-7(6)</u>
			Added	<u>18-7(6)</u>
4205	10-13-09	Amending <u>chapter 18</u> relating to the classification of employees.	1 Dlt'd Added	<u>18-8(1)</u> <u>18-8(1)</u>
4206	10-13-09	Amending various sections of the civil services rules and regulations.	1	<u>18-3</u>
4207	10-27-09	Granting a conditional use permit for the construction and operation of a gas station, convenience store and car wash at 8600 Watson Road within the city.	NGA	

		special promotional events sponsored by businesses within the city.	Added	<u>26-188(b)(5)</u>
4209	10-27-09	Approving a city-contractor agreement between the city and Dura Seal Paving Company for the Sanders Park improvement project and authorizing the execution of all necessary documentation in connection with said agreement.	NGA	
4210	10-27-09	Amending Ordinance Number 4156, the capital program budget for the fiscal year beginning January 1, 2009, for Sanders Park improvements.	NGA	
4211	10-27-09	Amending <u>chapter 22</u> to allow for painted signs on buildings adjacent to Grant's Trail.	1 Dltd Added	<u>22-6(5)</u> <u>22-6(5)</u>
			2 Added	<u>22-7(6)</u>
4212	12- 8-09	Approving an agreement between the city and Tech Electronics for a new city-wide telephone system and authorizing the execution of all necessary documentation in connection therewith.	NGA	
4213	12- 8-09	Amending Ordinance Number 4156, the capital program budget for the fiscal year beginning January 1, 2009, relating to the purchase of a telephone system.	NGA	
4214	12- 8-09	Amending Ordinance Number 4154, the general fund expenditures budget for the fiscal year beginning January 1, 2009, relating to the vehicle safety equipment initiative grant.	NGA	

		for the fiscal year beginning January 1, 2010 and containing a summary of general fund expenditure.		
4216	12- 8-09	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2010 and containing a summary of park and stormwater expenditures.	NGA	
4217	12- 8-09	Approving the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2010 and containing a summary of capital improvement fund expenditures.	NGA	
4218	12- 8-09	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2010 and containing a summary of sewer lateral fund expenditures.	NGA	
4219	1-12-10	Approving a city-contractor agreement between the city and Westport Pools for repairs and alterations to the Crestwood Aquatic Center in order to comply with new federal pool and safety regulations and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.	NGA	
4220	1-12-10	Approving an agreement with Accurate Sewer Company to perform inspection services in connection with the sanitary sewer lateral investigation program within the city and authorizing and directing the execution of said agreement in	NGA	

4221	1-12-10	Approving an agreement with Bieg Plumbing Contracting and Service Co., Inc. for sewer lateral repair work within the city and authorizing and directing the execution of said agreement in connection herewith.	NGA	
4222	1-12-10	Approving an agreement with T. Hill Construction, Inc. for sanitary sewer lateral restoration work within the city and authorizing and directing the execution of said agreement in connection herewith.	NGA	
4223	1-12-10	Approving a mowing services agreement between the city and St. Louis Select Landscaping and Lawncare, LLC.	NGA	
4224	1-12-10	Approving an agreement with Botz, Deal & Company, P.C. to provide financial auditing and related services for the fiscal year January 1, 2009 through December 31, 2009 and authorizing and directing execution of all necessary documentation in connection therewith.	NGA	
4225	1-12-10	Amending Ordinance Number 4217, the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2010, relating to Sanders Park construction and a city telephone system.	NGA	
4226	1-26-10	Amending Ordinance Number 1612, passed and approved on June 8, 1976, and the conditional use permit granted to Vic Tanny International, thereby eliminating the condition relating to ingress and egress to and	NGA	

4227	1-26-10	Granting a conditional use permit to curves for the construction and operation of a health and fitness facility at 8980 Watson Road in the city.	NGA	
4228	1-26-10	Approving an agreement between the city and Tea Party, LLC for operation of the Sappington House Barn Center Restaurant in the city and authorizing the execution of all necessary documentation in connection herewith.	NGA	
4229	1-26-10	Approving an extension of an agreement with Lifeguards Unlimited, Inc., for operation and maintenance of the Whitecliff Park Aquatic Center and authorizing and direction the execution of all necessary documentation in connection herewith.	NGA	
4230	1-26-10	Authorizing the purchase of a dump truck through the Missouri State Bid Cooperative Procurement Program and designating a truck currently owned by the city as surplus property.	NGA	
4231	2- 9-10	Amending the definition of family as set forth in <u>section 26-142</u> of the zoning code.	1	<u>26-142</u>
4232	2- 9-10	Amending Ordinance Number 4215, the general fund budget for the fiscal year beginning January 1, 2010, relating to a local law enforcement block grant.	NGA	
4233	2- 9-10	Amending various sections of chapter	1 Dltl	14-14

		traffic.	Added	
			2 Dltd	<u>14-15(a)(2), (a)(3), (a)(5), (a)(6)</u>
			Rnbd	<u>14-15(a)(4)</u>
			as	<u>14-15(a)(2)</u>
			Added	<u>14-15(a)(3), (a)(4)</u>
			3 Dltd	<u>14-15(b)—(d)</u>
			Rltd	<u>14-15(e), (f)</u>
			as	<u>14-15(b), (c)</u>
			4 Dltd	<u>14-15(e)</u>
			Added	<u>14-15(e)</u>
			5	<u>14-15(f)</u>
			6 Dltd	<u>14-18</u>
			7 Dltd	<u>14-19</u>
			8 Dltd	<u>14-50</u>
			Added	<u>24-40</u>
			10	<u>14-181</u>
			11	<u>14-187</u>
			12	<u>14-188</u>
			13	<u>14-188.1</u>

			15	<u>14-184</u>
			16	<u>14-128(h)</u>
			17	<u>14-185</u>
			18	<u>14-186</u>
4234	2-23-10	Granting a condition use permit to Ronnie's Ice Cream for the operation of an ice cream manufacturing facility within the Watson Industrial Park at 9531 Watson Road.	NGA	
4235	2-23-10	Approving a services agreement between the city and Regional Justice Information Services ("REJIS") for the provision of technology support for the city.	NGA	
4236	2-23-10	Amending Ordinance Number 4215, the general fund budget for the fiscal year beginning January 1, 2010, relating to a local law enforcement block grant.	NGA	
4237	3- 9-10	Approving and agreement by and between the Missouri Highways and Transportation Commission and the city, relating to the reconstruction of Spellman Avenue in the city and directing the execution of all necessary documentation in connection herewith.	NGA	
4238	3-23-10	Granting a conditional use permit to Spear Construction, Inc. for the construction and operation of a construction equipment warehouse and shop at 10040/10046 Big Bend Road within the city.	NGA	

		<p>fulfillment of certain conditions as specified herein and with reservations for certain utility easements, the public right-of-way known as Lopina Drive from the current pavement terminus to Wildwood Circle Drive shall be hereby vacated and abolished.</p>		
4240	3-23-10	<p>Approving a sales agreement between the city and Buscomm Incorporated for the purchase of an audiolog recording system.</p>	NGA	
4241	3-23-10	<p>Eliminating the non-expendable trust account and directing that the monies currently held in said account be transferred to the general fund and designated as reserved monies therein.</p>	1 DltD	<u>2-110</u>
4242	3-23-10	<p>Amending Ordinance Number 4215, the general fund budget for fiscal year beginning January 1, 2010, to reflect a transfer of the non-expendable trust fund monies into the general fund.</p>	NGA	
4243	3-23-10	<p>Added a section prohibiting the discharging of certain weapons and missiles within the city.</p>	1 Added	<u>16-5</u>
4244	4-27-10	<p>Conditionally approving a site plan for exterior modifications and construction to the Crestview Senior Living Facility at 8660 Grant Road within the city.</p>	NGA	
4245	4-27-10	<p>Granting a conditional use permit to Alcorn Cigars Incorporated in order to add the sale of liquor to the existing permitted uses, and including certain</p>	NGA	

4246	4-27-10	Granting a conditional use permit to Crossway Church to operate a church at 8654 Watson Road.	NGA	
4247	4-27-10	Selecting Kohl's Wholesale as the city's concession stand vendor for the 2010 Aquatic Center Season and authorizing the city administrator to approve a purchase order for 2010 concession stand supplies.	NGA	
4248	5-11-10	Dissolving the Sappington/Watson Tax Increment Financing District, the special allocation fund and the tax increment allocation financing associated therewith; allocating and authorizing the transfer of moneys in said special allocation fund to the St. Louis County Collector for distribution in accordance with the Real Property Tax Increment Allocation Redevelopment Act; and authorizing certain further actions.	NGA	
4249	5-11-10	Approving a city-contractor agreement between the city and West Contracting for asphalt mill and overlay work and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.	NGA	
4250	6- 8-10	Selecting various providers for the city's ancillary employee benefits plans and authorizing the city to enter into agreements with said providers for the period beginning July 1, 2010 through June 30, 2010.	NGA	
4251	6-22-10	Selecting various providers for the city's ancillary employee benefits plans and authorizing the city to enter into agreements with said providers for the period beginning July 1, 2010 through June 30, 2010.	NGA	

		provider for the period beginning July 1, 2010 and ending June 30, 2011, and authorizing the city to enter into an agreement with said provider.		
4252	6-22-10	Approving an expenditure for the purchase for fire safety equipment.	NGA	
4253	6-22-10	Amending Ordinance Number 4215, the general fund budget for fiscal year beginning January 1, 2010, relating to an assistance to firefighters grant.	NGA	
4254	7-27-10	Approving a subdivision plat for the construction of a banking facility at 9550 Watson Road and authorizing the execution of the final plat.	NGA	
4255	7-27-10	Granting a conditional use permit to Fifth Third Bank for the construction and operation of a banking facility at 9550 Watson Road.	NGA	
4256	7-27-10	Amending Ordinance Number 4218, the sewer lateral fund budget for the fiscal year beginning January 1, 2010, relating to the appropriation of fund balance.	NGA	
4257	8-10-10	Adopting and enacting the building, residential, existing buildings, mechanical, electrical and plumbing codes of St. Louis County, Missouri as the code of the City of Crestwood and amending the Code to provide for the same.	2 Dlt'd added	<u>7-1</u> <u>7-1</u>
4258	8-10-10	Approving a settlement agreement with T-Mobile.	NGA	
4259	8-24-10	Granting a conditional use permit to Yo My Goodness for the construction	NGA	

		store at 9560 Watson Road.		
4260	8-24-10	Granting a conditional use permit to U-Haul Truck Rental for the construction and operation of a truck leasing facility at 9044 Watson Road.	NGA	
4261	8-24-10	Granting a conditional use permit to BGB Autosports for the construction and operation of a used car dealership at 9800 Watson Road.	NGA	
4262	8-24-10	Amending Ordinance Number 4215, the general fund budget for the fiscal year beginning January 1, 2010, relating to the elimination of internal balances.	NGA	
4263	8-24-10	Amending Ordinance Number 4216, the park and stormwater fund budget for the fiscal year beginning January, 1, 2010, relating to the elimination of internal balances.	NGA	
4264	8-24-10	Amending Ordinance Number 4217, the capital improvement fund and capital program budgets for the fiscal year beginning January, 1, 2010, relating to the elimination of internal balances.	NGA	
4265	9-14-10	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-op Program.	NGA	
4266	9-14-10	Amending Ordinance Number 4216, the park and stormwater fund budget for the fiscal year beginning January 1, 2010, to reflect a transfer from the general fund.	NGA	
4267	9-14-10	Amending Ordinance Number 4215	NGA	

		year beginning January 1, 2010, to reflect a transfer to the park and stormwater fund.		
4268	9-28-10	Establishing the annual rates of tax levies for the year 2010 on all taxable residential, commercial and personal property in the city and providing for the extension of said taxes on the books of the collector.	NGA	
4269	9-28-10	Approving a consent to assignment agreement relating to the city's solid waste contract.	NGA	
4270	10-12-10	Granting a conditional use permit to Pretty Paws for the operation of a pet grooming salon at 313 Watson Plaza.	NGA	
4271	10-12-10	Adopting a revised sewer lateral policy for the city.	1	<u>21-7</u>
4272	10-12-10	Approving a cooperation agreement between the City of Crestwood and St. Louis County relating to a county-wide emergency communications system.	NGA	
4273	10-26-10	Granting a conditional use permit to Ernie Patti for the operation of a vehicle leasing and sales facility at 9070 Watson Plaza.	NGA	
4274	11-23-10	Granting a conditional use permit to GTL Arcade, LLC for the construction and operation of a video game arcade at 101 Crestwood Court.	NGA	
4275	11-23-10	Amending Ordinance Number 4215, the general fund budget for the fiscal year beginning January 1, 2010, to reflect an increase in expenditures	NGA	

		offsetting decrease in expenditures within the MIS department.		
4276	11-23-10	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2011 and containing a summary of sewer lateral fund expenditures.	NGA	
4277	12-14-10	Approving an agreement with Accurate Sewer Company to perform investigation services in connection with the sanitary sewer lateral program within the city and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4278	12-14-10	Approving an agreement with A-Alpha, Inc. for sanitary sewer lateral repair work in connection with the sanitary sewer lateral program within the city and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4279	12-14-10	Approving the general fund budget for the fiscal year beginning January 1, 2011 and containing a summary of general fund expenditures.	NGA	
4280	12-14-10	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2011 and containing a summary of park and stormwater expenditures.	NGA	
4281	12-14-10	Approving the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2011 and containing a summary of	NGA	

		expenditures.		
4282	1-11-11	Approving an agreement with Botz, Deal & Company, P.C. to provide financial auditing and related services for the fiscal year January 1, 2010 through December 31, 2010 and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4283	1-11-11	Approving an extension of the mowing services agreement between the City of Crestwood and St. Louis Select Landscaping and Lawncare, LLC.	NGA	
4284	1-11-11	Approving a contract between the city and Howard R. Green Company for professional planning, design and construction services in connection with the reconstruction of a portion of Spellman Avenue in the City of Crestwood and directing the mayor and city clerk to execute said contract on behalf of the city.	NGA	
4285	1-11-11	Approving a services agreement between the city and Regional Justice Information Services ("REJIS") for the provision of technology support for the city.	NGA	
4286	1-25-11	Approving an extension of an agreement with Lifeguards Unlimited, Inc., for operation and maintenance of the Whitecliff Park Aquatic Center and authorizing and directing the mayor to execute said extension of behalf of the city.	NGA	

		the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2011, relating to Whitecliff Park service bridge.		
4288	1-25-11	Approving an agreement between the city and Meridian Waste Services for the collection and disposal of solid waste within the city.	NGA	
4289	2-22-11	Approving a profession services agreement with Engineering Evaluations Inspections, Inc. in connection with the residential rental re-occupancy inspection program for the city.	NGA	
4290	3-22-11	Approving a maintenance agreement with St. Louis Electronics—Wireless USA for annual repair and maintenance to the city's communications systems and equipment and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4291	3-22-11	Approving a product agreement, including annual maintenance, with Morphotrak, Inc. to replace the city's existing livescan station and hardware and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4292	3-22-11	Approving a law enforcement services agreement with REJIS Commission for services and support and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4293	4-12-11	Amending Ordinance Number 4146	1	16-59—16-

		through 16-68 inclusive, of the Code, to sections <u>16-100</u> through <u>16-109</u> inclusive, to reflect the section numbering as codified.	as	<u>16-100</u> — 16-109
4294	5-10-11	Amending Ordinance Number 4279, the general fund budget for the fiscal year beginning January 1, 2011, relating to a local law enforcement block grant and BVP (Bulletproof Vest Program) grant.	NGA	
4295	5-10-11	Approving the purchase of an air compressor from Roland Machinery Company for fourteen thousand six hundred eighty-three dollars (\$14,683.00).	NGA	
4296	5-24-11	Granting a conditional use permit to Enterprise Rent-a-Car for the operation of a vehicle leasing business at 9916 Watson Road, City of Crestwood, Missouri.	NGA	
4297	5-24-11	Amending Ordinance Number 4280, the Park and Stormwater Fund Budget for the fiscal year beginning January 1, 2011, relating to a Missouri Department of Conservation "Tree Resource Improvement and Maintenance" (TRIM) Program grant.	NGA	
4298	5-24-11	Approving the purchase of a one-ton dump truck from Dave Sinclair Ford for thirty-two thousand one hundred forty-eight dollars (\$32,148.00).	NGA	
4299	6-14-11	Amending <u>chapter 6, section 6-6</u> of the Municipal Code of the City of Crestwood, Missouri, by adding to <u>section 6-6</u> a definition for "running at	1	<u>6-6</u>

		Animal Control Code.		
4300	6-14-11	Selecting Kohl's Wholesale as the city's primary concession stand vendor for the 2011 Aquatic Center season and authorizing the city administrator to approve a purchase order in the amount of sixteen thousand five hundred dollars (\$16,500.00) for 2011 concession stand supplies.	NGA	
4301	6-14-11	Selecting the city's health insurance provider for the period beginning July 1, 2011 and ending June 30, 2012, and authorizing the city to enter into an agreement with said provider.	NGA	
4302	6-14-11	Selecting the city's dental insurance provider for the period beginning July 1, 2011 and ending June 30, 2013, and authorizing the city to enter into an agreement with said provider.	NGA	
4303	6-14-11	Approving the purchase of two (2) police vehicles from Joe Machens Ford for the total sum of forty-five thousand three hundred ninety-two dollars (\$45,392.00) and authorizing the mayor and city clerk to execute all necessary documents in connection with the purchase.	NGA	
4304	6-28-11	Granting a conditional use permit to All Star Performance for the construction and operation of an indoor sports facility at 1000 Camera Avenue, City of Crestwood, Missouri.	NGA	
4305	6-28-11	Approving the purchase of concrete from Eastern Missouri Concrete. LLC	NGA	

		city's concrete slab replacement program.		
4306	6-28-11	Approving a city-contractor agreement between the City of Crestwood, Missouri and JJ Construction Services, LLC for the construction of a pavilion in Whitecliff Park.	NGA	
4307	7-26-11	Granting a conditional use permit to Grabber School of Hair Design for the operation of a cosmetology school at 9833 Watson Road, City of Crestwood, Missouri.	NGA	
4308	7-26-11	Approving a contractor agreement with R.V. Wagner, Inc. for construction services in connection with the reconstruction of the Whitecliff Park Service Bridge in the City of Crestwood, Missouri and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4309	7-26-11	Approving a contract between the City of Crestwood, Missouri and SCI Engineering, Inc. for material testing and inspection services in connection with the reconstruction of the Whitecliff Park Service Bridge and authorizing the mayor and city clerk to execute all necessary documents in connection with said contract on behalf of the city.	NGA	
4310	7-26-11	Approving a STP-Urban Program agreement by and between the Missouri Highways and Transportation Commission and the City of Crestwood, Missouri, relating	NGA	

		Spellman Road in the City of Crestwood, Missouri and directing the mayor and city clerk to execute said agreement on behalf of the city.		
4311	8- 9-11	Reaffirming and readopting <u>section 2-66</u> of the Municipal Code, relating to the reporting of potential conflicts of interest and substantial interests of the part of the mayor, members of the board of aldermen, the city administrator and the director of finance.	NGA	
4312	8- 9-11	Approving the purchase of a Vermeer SC252 stump grinder from Vermeer Sales and Service, Inc. for fifteen thousand three hundred sixty-four dollars (\$15,364.00).	NGA	
4313	8-23-11	Granting a conditional use permit to the After Dinner Mint for the operation of a restaurant within Crestwood Court number 622, City of Crestwood, Missouri.	NGA	
4314	8-23-11	Authorizing the mayor of the City of Crestwood, Missouri to execute the Municipal Housing and Community Development Cooperation agreement of 2012—2014; and supplemental agreements thereto with St. Louis County with regard to the Housing and Community Development Act of 1974, as amended.	NGA	
4315	8-23-11	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-op Program for twenty-four thousand seven hundred	NGA	

4316	8-23-11	Approving a STP-Urban Program agreement by and between the Missouri Highways and Transportation Commission and the City of Crestwood, Missouri, relating to the reconstruction of Ponderosa, Acron (Ponderosa to Oak Ridge), Oak Ridge and Holmes in the City of Crestwood, Missouri and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4317	9-27-11	Establishing the annual rates of tax levies for the year 2011 on all taxable residential, commercial and personal property in the City of Crestwood and providing for the extension of said taxes on the books of the collector.	NGA	
4318	9-27-11	Reaffirming the gross receipts taxes to be imposed upon electric corporations conducting business within the city and matters related thereto.	NGA	
4319	9-27-11	Approving a memorandum of understanding between the City of Crestwood, Missouri and Local 2665, International Association of Firefighters, for the period October 1, 2011 through September 30, 2014.	NGA	
4320	10-11-11	Amending <u>chapter 14</u> pertaining to motor vehicles and traffic.	1	<u>14-185</u>
4321	10-11-11	Approving the compensation and other employment terms for the city administrator and waiving the residency requirement as provided for in the Municipal Code.	NGA	

		Anytime Fitness for the construction and operation of a health and fitness facility at 343 Watson Plaza.		
4323	11-22-11	Granting a conditional use permit to DaVita Incorporated for the construction and operation of a dialysis center at 9560 Watson Road, Suite A.	NGA	
4324	11-22-11	Amending <u>chapter 2</u> pertaining to fiscal year, budget estimates and contents of budget.	1 Rpld	<u>2-82</u>
			Added	2—82
			2	<u>2-96</u>
			3	<u>2-101</u>
4325	11-22-11	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2012 and containing a summary of sewer lateral fund expenditures.	NGA	
4326	12-13-11	Approving an extension of the agreement with A-Alpha Incorporated for sanitary sewer lateral repair work in connection with the sanitary sewer lateral program within the city and authorizing and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	
4327	12-13-11	Approving an extension of the agreement with Accurate Sewer Company for sanitary investigation services in connection with the sanitary sewer lateral program within the city and authorizing and directing	NGA	

		said extension on behalf of the city.		
4328	12-13-11	Approving an annual maintenance agreement with St. Louis Electronics—Wireless USA for annual repair and maintenance to the city's communications systems and equipment and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4329	12-13-11	Approving a law enforcement services agreement with REJIS Commission for services and support and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4330	12-13-11	Approving an agreement with Botz, Deal & Company, P.C. to provide financial auditing and related services for the fiscal year January 1, 2011 through December 31, 2011 and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4331	12-13-11	Approving the general fund budget for the fiscal year beginning January 1, 2012 and containing a summary of general fund expenditures.	NGA	
4332	12-13-11	Approving the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2012 and containing a summary of capital improvement fund expenditures.	NGA	
4333	12-13-11	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2012 and	NGA	

4334	1-10-12	Various amendments pertaining to the animal control code.		<u>6-6</u>
				<u>6-8(2)a.—c.</u>
				<u>6-8(3)a., (3)b.</u>
			1	<u>6-8(3)d.1.</u>
			2a)	<u>6-8(3)d.2.—</u>
			2b), 2c)	<u>(3)d.4.</u>
			2d) Rpld	<u>6-8(3)d.1.—</u>
			Rnbd	<u>(3)d.3.</u>
			as	<u>6-10(1), (3), (4),</u>
			3a)—3d)	<u>(5)</u>
4335	1-10-12	Amending <u>chapter 7</u> regarding buildings and building regulations as it pertains to the location of certain fences within the city.	1 Added	<u>7-33(c) § 302.7.2.i)</u>
4336	1-24-12	Revising the ward boundaries for the City of Crestwood, pursuant to section 8.4 of the City Charter and amending <u>chapter 8</u> of the Municipal Code to reflect the revised boundaries of the city's four (4) wards.	2(Exh. A)	<u>8-1(a)</u>
4337	1-24-12	Approving an extension of an agreement with Lifeguards Unlimited, Inc., for operation and maintenance of the Whitecliff Park Aquatic Center and authorizing and directing the	NGA	

		behalf of the city.		
4338	1-24-12	Approving an agreement with Howard R. Green Incorporated for professional planning, design and construction services in connection with the reconstruction of Ponderosa Drive, Acorn Drive (Ponderosa to Banyon), Oak ridge Drive and Holmes Avenue and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4339	1-24-12	Approving the purchase of a monitor/defibrillator from Zoll Medical Corporation.	NGA	
4340	2-14-12	Amending Ordinance Number 4332, the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2012, relating to Spellman Avenue (Spellman Avenue Reconstruction Project Phase I).	NGA	
4341	2-14-12	Granting a conditional use permit to Pints and Rails for the construction and operation of a tavern at 8920/8924 Watson Road within the city.	NGA	
4342	2-14-12	Approving a city-contractor agreement between the city and West Contracting for asphalt mill and overlay work in the city and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.	NGA	
4343	2-14-12	Approving a city-contractor	NGA	

		mowing services and directing the mayor and city clerk to execute said agreement on behalf of the city.		
4344	2-14-12	Approving a contract with the City of Lakeshire, Missouri for the housing of municipal inmates and authorizing and directing the mayor and city clerk to execute said contract on behalf of the city.	NGA	
4345	2-28-12	Approving a services agreement between the city and Regional Justice Information Services ("REJIS") for the provision of technology support for the city.	NGA	
4346	2-28-12	Amending Ordinance Number 4331, the general fund budget for the fiscal year beginning January 1, 2012, relating to a local law enforcement block grant.	NGA	
4347	3-27-12	Granting a conditional use permit to the Pointe Studio of Dance for the construction and operation of a dance studio at 9296 Watson Industrial Court.	NGA	
4348	4-24-12	Granting a conditional use permit to Culver's Restaurant for the construction and operation of a restaurant at 10200 Big Bend Boulevard.	NGA	
4349	5- 8-12	Selecting Kohl's Wholesale as the city's primary concession stand vendor for the 2012 Aquatic Center season and authorizing the city administrator to approve the purchase order for 2012 concession	NGA	

4350	5-22-12	Authorizing the purchase of a new dump truck through the Missouri State Bid Cooperative Procurement Program and designating certain other trucks, vehicles and equipment currently owned by the city as surplus property.	NGA	
4351	5-22-12	Approving a maintenance agreement between the city and the Metropolitan St. Louis Sewer District relating to stormwater facilities constructed in connection with public works projects in the city and authorizing the mayor and city clerk to execute same on behalf of the city.	NGA	
4352	5-22-12	Amending Ordinance Number 4331, the general fund budget for the fiscal year beginning January 1, 2012, relating to the city's rental inspection program.	NGA	
4353	5-22-12	Various amendments pertaining to the city's sign code.	1	<u>22-2(f)</u>
			2 Rpld	<u>22-6(4)</u>
			3	<u>22-9(e)(1)</u>
			4	<u>22-17(h)</u>
4354	6-12-12	Selecting the city's health insurance provider for the period beginning July 1, 2012 and ending June 30, 2013, and authorizing the city to enter into an agreement with said provider.	NGA	
4355	6-12-12	Selecting the city's life, AD&D, and long-term disability insurance provider for the period beginning July	NGA	

		authorizing the city to enter into an agreement with said provider.		
4356	6-12-12	Approving an agreement with Shay Roofing Incorporated for repair work at the Crestwood Public Works Facility and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4357	6-12-12	Approving the purchase of copiers and related equipment from copying concepts and approving certain maintenance agreements related thereto.	NGA	
4358	6-12-12	Amending Ordinance Number 4331, the general fund budget, and Ordinance Number 4332, the capital improvement fund budget for the fiscal year beginning January 1, 2012, relating to the accounting for the city's purchase of copiers and printers from Copying Concepts.	NGA	
4359	6-26-12	Approving the purchase of two (2) thermal imaging cameras and related equipment from Leo M. Ellebracht Company for the total sum of nineteen thousand one hundred ninety dollars (\$19,190.00) and authorizing the mayor and city clerk to execute all necessary documents in connection with the purchase.	NGA	
4360	6-26-12	Approving the purchase of two (2) multi-gas detectors and related equipment from Wise Safety Environmental for the total sum of two thousand five hundred fifty-four dollars and ninety cents (\$2,554.90)	NGA	

		clerk to execute all necessary documents in connection with the purchase.		
4361	6-26-12	Amending Ordinance Number 4331, the general fund budget, for the fiscal year beginning January 1, 2012, relating to the accounting for the city's purchase of thermal imaging cameras and multi-gas detectors.	NGA	
4362	6-26-12	Approving a user agreement for Subscriber Radios Interoperable Radio System and authorizing the mayor to execute the same on behalf of the city.	NGA	
4363	7-24-12	Granting a conditional use permit to Pole Position Raceway for the construction and operation of a raceway facility at 8800 Watson Road.	NGA	
4364	7-24-12	Granting a conditional use permit to Savers for the construction and operation of a retail clothing and household goods store at 9618 Watson Road.	NGA	
4365	7-24-12	Granting a conditional use permit to Studio 42 for the construction and operation of a dance studio at 1157 Reco Avenue.	NGA	
4366	7-24-12	Approving the petition to terminate the Sappington Square Community Improvement District.	NGA	
4367	7-24-12	Approving a contract with St. Louis County for mosquito control services and authorizing and directing the mayor and city clerk to execute said	NGA	

4368	8-14-12	Authorizing and directing the acceptance of a quitclaim deed from St. Louis County, Missouri for a park and playground lot in Spellman Park.	NGA	
4369	8-14-12	Approving a preliminary funding agreement between the city and AG/CP Crestwood Retail Owner, L.L.C., and authorizing the mayor to execute the same.	NGA	
4370	9-25-12	Approving the site plan for exterior modifications to the building at 9570 Watson Road, located within Sappington Square.	NGA	
4371	9-25-12	Approving the site plan for the construction of a storage facility at 9900 Big Bend Boulevard within the city.	NGA	
4372	9-25-12	Amending Ordinance Number 4331, the general fund budget, for the fiscal year beginning January 1, 2012, relating to the city's general services department budget.	NGA	
4373	9-25-12	Establishing the annual rates of tax levies for the year 2012 on all taxable residential, commercial, and personal property in the city and providing for the extension of said taxes on the books of the collector.	NGA	
4374	9-25-12	Repealing and replacing <u>section 2-84</u> , pertaining to the tax increment financing commission and providing for the appointment of its members; and establishing certain policies and procedures relating to bids and proposals for tax increment	1 Rpld Added	<u>2-84</u> <u>2-84</u>

4375	10- 9-12	Approving the relocation and reinstallation of one (1) fire hydrant in the city.	NGA	
4376	10- 9-12	Granting a temporary construction easement to Missouri American Water Company for storing water pipe and related equipment at the City Hall parking lot.	NGA	
4377	10-23-12	Amending Ordinance Number 4331, the general fund budget, and Ordinance Number 4333, the park and stormwater fund budget, for the fiscal year beginning January 1, 2012, relating to the city's fire and police department budgets, the accounting of general fund revenues, the city's park's department budget, and the accounting of park and stormwater fund revenues.	NGA	
4378	11-13-12	Approving and authorizing the purchase of a pumper and fire apparatus from Smeal Fire Apparatus Company in the total sum of five hundred eleven thousand three hundred fifteen dollars (\$511,315.00) and authorizing the mayor and city clerk to execute all necessary documents in connection with the purchase.	NGA	
4379	11-13-12	Amendments pertaining to indoor clean air.	1 Rpld	<u>16-57, 16-58</u>
			Added	<u>16-57</u>
4380	11-27-12	Approving an agreement between the city and Ginnydear's LLC, D/B/A The	NGA	

		Sappington House Barn Center Restaurant and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.		
4381	11-27-12	Amendment pertaining to requiring the decontamination of certain structures at which methamphetamine has been produced.	1 Added	<u>7-171</u>
4382	12-11-12	Terminating the designation of a portion of the City of Crestwood, as a redevelopment area, dissolving the special allocation fund related to the redevelopment area and authorizing certain actions relating thereto.	NGA	
4383	12-11-12	Approving an agreement with Botz, Deal & Company, P.C. to provide financial auditing and related services for the fiscal year January 1, 2012 through December 31, 2012 and authorizing and directing the mayor and city clerk to execute said agreement on behalf of the city.	NGA	
4384	12-11-12	Approving a services agreement between the city and Regional Justice Information Services ("REJIS") for the provision of technology support for the city.	NGA	
4385	12-11-12	Approving the general fund budget for the fiscal year beginning January 1, 2013 and containing a summary of general fund expenditures.	NGA	
4386	12-11-12	Approving the capital improvement fund and capital program budgets for	NGA	

		2013 and containing a summary of capital improvement fund expenditures.		
4387	12-11-12	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2013 and containing a summary of park and stormwater expenditures.	NGA	
4388	12-11-12	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2013 and containing a summary of sewer lateral fund expenditures.	NGA	
4389	1- 8-13	Amending Ordinance Number 4386, the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2013, relating to Spellman Avenue (Spellman Avenue Reconstruction Project Phase I) and Ponderosa, Acorn, Oak Ridge and Holmes (Spellman Avenue Reconstruction Project Phase II).	NGA	
4390	1- 8-13	Amending Ordinance Number 4385, the general fund budget for the fiscal year beginning January 1, 2013, relating to the city's accounting of expenses related to an employee wellness program.	NGA	
4391	1- 8-13	Approving an annual maintenance agreement with St. Louis Electronics - Wireless USA for annual repair and maintenance to the city's communications systems and equipment and authorizing the mayor to execute said agreement on behalf	NGA	

4392	1- 8-13	Approving a law enforcement services agreement with REJIS Commission for services and support and authorizing the mayor to execute said agreement on behalf of the city.	NGA	
4393	1-22-13	Approving an extension of the agreement with Accurate Sewer Company for investigation services in connection with the sanitary sewer lateral program within the city and authorizing and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	
4394	1-22-13	Approving an extension of the agreement with A-Alpha Incorporated for sanitary sewer lateral repair work in connection with the sanitary sewer lateral program within the city and authorizing and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	
4395	1-22-13	Amendment relating to fire hydrant connections for fire suppression (sprinkler) systems.	1 Added	<u>7-19(b)(2)</u>
4396	1-22-13	Approving the compensation and other employment terms for city administrator Mark Sime.	NGA	
4397	2-12-13	Amendment pertaining to alcoholic beverages to conform to state law.	1 Rpld Added	<u>5-26(c)</u> <u>5-26(c)</u>
4398	2-12-13	Amending various sections of the city's sign code.	1	<u>22-1</u>
			2 Rpld	<u>22-7(1)</u>
			Rnbd	22-7(2)—(6)

			as	<u>22-7(1)—(5)</u>
			3 Rpld	<u>22-17(i)</u>
			Added	<u>22-17(i)</u>
			4 Rpld	<u>22-24(a)</u>
			Added	<u>22-24(a)</u>
			5 Rpld	<u>22-24(b)</u>
			Added	<u>22-24(b)</u>
			6 Added	<u>22-24(c)</u>
4399	2-26-13	Reaffirming the gross receipts taxes to be imposed upon electric corporations conducting business within the city and matters related thereto.	NGA	
4400	2-26-13	Approving an extension of the professional services agreement with Engineering Evaluations, Inc. in connection with the residential rental re-occupancy inspection program for the city and authorizing and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	
4401	2-26-13	Approving an extension of the city-contractor agreement with St. Louis Select Landscaping and Lawncare, LLC, for mowing services and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	

4402	3-12-13	Approving a city-contractor agreement between the city and N.B. West Contracting for asphalt mill and overlay work in the city and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.	NGA	
4403	3-12-13	Amending Ordinance Number 4385, the general fund budget, for the fiscal year beginning January 1, 2013, relating to the city's police department budgets and the accounting of general fund revenues.	NGA	
4404	3-12-13	Approving an agreement with Midwest Pool Management for operation and maintenance of the Whitecliff Park Aquatic Center and authorizing and directing the mayor to execute said agreement on behalf of the city.	NGA	
4405	3-26-13	Granting a conditional use permit to Love Unleashed for the construction and operation of a pet daycare and boarding facility at 9221 Watson Industrial Park, City of Crestwood, Missouri.	NGA	
4406	3-26-13	Approving a final subdivision plat for the parcel located at 9401 Eddie and Park Road and authorizing the city clerk to execute the final plat.	NGA	
4407	4- 9-13	Approving the purchase of a wood chipper for twenty-nine thousand four hundred eighty-six dollars (\$29,486.00).	NGA	

		County Emergency 911 Dispatching Center for the purpose of obtaining emergency dispatching service.		
4409	4-23-13	Granting a conditional use permit to Hidden Gems Resale for the construction and operation of a retail store at 9051 Watson Road, City of Crestwood, Missouri.	NGA	
4410	4-23-13	Conditionally approving the site plan for external modifications, construction and parking lot improvements to the property located at 8642 Pardee Lane, within the city.	NGA	
4411	4-23-13	Amendment relating to the qualifications for being appointed or elected to the board of aldermen.	1	<u>2-21</u>
4412	4-23-13	Selecting Kohl Wholesale as the city's primary concession stand vendor for the 2013 Aquatic Center season and authorizing the city administrator to approve a purchase order in the amount of eighteen thousand five hundred dollars (\$18,500.00) for 2013 concession stand supplies.	NGA	
4413	5-28-13	Granting a conditional use permit to Little Caesars Restaurant for the construction and operation of a restaurant at 391 Watson Plaza.	NGA	
4414	5-28-13	Approving a service agreement between the city and Cassidian Communications, Inc. relating to upgrades to the Reverse 911 Service in the city and authorizing the mayor to execute same on behalf of the city.	NGA	

		understanding between the city and the City of Sunset Hills, Missouri regarding the development of a dog park and authorizing the mayor to execute same on behalf of the city.		
4416	6-11-13	Granting a conditional use permit to Studio 42 for the construction and operation of a dance studio at 1154 Reco Avenue.	NGA	
4417	6-11-13	Selecting providers for certain of the city's employee benefits plans and authorizing the city to enter into agreements with said providers for the coverage period beginning July 1, 2013 through June 30, 2014.	NGA	
4418	6-11-13	Approving a park grant agreement by and between the Municipal Park Grant Commission, the City of Sunset Hills and the City of Crestwood and directing the mayor to execute said agreement on behalf of the city.	NGA	
4419	6-11-13	Amending Ordinance Number 4385, the general budget fund for the fiscal year beginning January 1, 2013, to reflect a transfer of appropriations to the city clerk's department for personnel costs.	NGA	
4420	6-25-13	Approving a first amendment to an agreement between the city and New Cingular Wireless PCS, LLC relating to the leasing of space for an existing radio transmission tower and accessory facilities.	NGA	
4421	7-23-13	Approving the site plan for O'Reilly Automotive Store for the construction	NGA	

4422	7-23-13	Approving an agreement with city attorney Lisa O. Stump and the law firm of Lashly & Baer, P.C.	NGA	
4423	7-23-13	Amending Ordinance Number 4385, the general fund budget for the fiscal year beginning January 1, 2013, to increase the legal services account.	NGA	
4424	7-23-13	Amending Ordinance Number 4385, the general fund budget for the fiscal year beginning January 1, 2013, relating to the upgrade to the Reverse 911 System.	NGA	
4425	7-23-13	Authorizing the purchase of a new fire rescue truck from Maintainer Custom Bodies, Inc. for the total sum of one hundred twenty thousand one hundred forty-three dollars (\$120,143.00) and authorizing the issuance of a purchase order in connection therewith.	NGA	
4426	7-23-13	Approving a contract between the city and SCI Engineering, Inc. for material testing and inspection services in connection with the reconstruction of Spellman Avenue Phase 1 and authorizing the mayor and city clerk to execute all necessary documents in connection with said contract on behalf of the city.	NGA	
4427	8-13-13	Granting a permanent easement and a temporary construction easement to Metropolitan St. Louis Sewer District for a stormwater project at or about 1031 Ferndale Avenue in the city.	NGA	

4428	8-13-13	Granting a permanent easement and a temporary construction easement to Metropolitan St. Louis Sewer District for a stormwater project at or about 1001 Sanders Drive in the city.	NGA	
4429	8-13-13	Reaffirming and readopting <u>section 2-66</u> of the Municipal Code, relating to the reporting of potential conflicts of interest and substantial interests on the part of the mayor, members of the board of aldermen, the city administrator and the director of finance.	1	<u>2-66</u>
4430	8-13-13	Amending Ordinance Number 4385, the general fund budget for the fiscal year beginning January 1, 2013, to reflect the purchase of a fire department rescue truck.	NGA	
4431	8-13-13	Approving an agreement between the city and Maintainer Custom Bodies, Inc. for the purchase of a fire department rescue truck and authorizing the mayor and city clerk to execute all necessary documents in connection with said agreement on behalf of the city.	NGA	
4432	8-13-13	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-op Program for twenty-four thousand five hundred seventy dollars (\$24,570.00).	NGA	
4433	9-24-13	Approving the proposed contractor agreement with Gershenson Construction, Inc. ("Gershenson Construction") relating to construction services needed for	NGA	

		Project, and change orders not to exceed a certain amount, and authorizing the mayor and city clerk to execute the same on behalf of the city.		
4434	9-24-13	Approving an agreement with HR Green, Inc., ("HR Green") for on-call design, administration and construction observation services as needed or required by the city with phase 1 and phase 2 of the Spellman Avenue Projects and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4435	9-24-13	Establishing the annual rates of tax levies for the year 2013 on all taxable residential, commercial and personal property in the city and providing for the extension of said taxes on the books of the collector.	NGA	
4436	10- 8-13	Amending Ordinance Number 4435, establishing the annual rates of tax levies for the year 2013, to reflect state auditor adjustment.	NGA	
4437	10-22-13	Granting a conditional use permit to Motorbahn Corporation for the operation of a classic car dealership at 1154 Reco Avenue, City of Crestwood, Missouri.	NGA	
4438	11-12-13	Approving an agreement with Matthew Reh and Sheena Hamilton and the law firm of Armstrong Teasdale for prosecuting attorney services, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	

4439	11-26-13	Granting conditional use permit modifications to A to Z Auto Center for the operation of a truck leasing facility at 9044 Watson Road, City of Crestwood, Missouri.	NGA	
4440	11-26-13	Amending <u>chapter 16</u> of the municipal code of the City of Crestwood, Missouri, by enacting a new <u>section 16-60</u> to prohibit funeral protests.	1 Added	<u>16-60</u>
4441	11-26-13	Approving an agreement with black creek landscaping for mowing services for city properties, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4442	11-26-13	Approving an agreement with gamma tree experts for tree trimming and removal services, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4443	11-26-13	Repealing <u>chapter 6</u> of the Municipal Code of the City of Crestwood, Missouri, in its entirety and enacting in its place a new <u>chapter 6</u> of the Municipal Code of the City of Crestwood, Missouri.	1 Rpld	<u>6-1</u> —6-23
			Added	<u>6-1</u> —6-21
4444	12-10-13	Amending Ordinance No. 4385, the general fund budget for the fiscal year beginning January 1, 2013, to increase the city's general services account.	NGA	
4445	12-10-13	Approving an agreement with Tope, Inc. for sanitary sewer lateral	NGA	

		authorizing the mayor and city clerk to execute the same on behalf of the city.		
4446	12-10-13	Approving an agreement with Tope, Inc. for sanitary sewer lateral repair services, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4447	12-10-13	Approving the residential rental re-occupancy inspection agreement with Engineering Evaluations Inspections, Inc., and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4448	12-10-13	Approving the agreement with Throttlenet, Inc. for information technology (IT) support services, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4449	12-10-13	Approving the agreement with Egov Strategies, LLC for website development and upgrade services, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4450	12-10-13	Approving a two year extension of the agreement with Meridian Waste Services for the collection, transportation, processing and disposal of solid waste and authorizing the city administrator or designee to notify meridian waste services of the extension and execute documentation for the same on behalf of the city.	NGA	

		acquisition by negotiation of property interests for Phase II of the Spellman Project; authorizing the city administrator to obtain and execute all instruments necessary for acquisition of such property; and authorizing city officials to execute the same on behalf of the city.		
4452	12-10-13	Approving an agreement with C & R Mechanical Company for on-call HVAC service, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4453	12-10-13	Approving an agreement with Bieg Plumbing Company for on-call plumbing service, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4454	12-10-13	Approving an agreement with RJP Electric, L.L.C. for on-call electrical service, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4455	12-10-13	Approving an agreement with Blue Chip Pest Services for on-call pest control service, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4456	12-10-13	Approving the general fund budget for the fiscal year beginning January 1, 2014 and containing a summary of general fund expenditures.	NGA	
4457	12-10-13	Approving the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2014 and containing a summary of	NGA	

		expenditures.		
4458	12-10-13	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2014 and containing a summary of park and stormwater expenditures.	NGA	
4459	12-10-13	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2014 and containing a summary of sewer lateral fund expenditures.	NGA	
4460	1-14-14	Approving a lease agreement with Friends of Animal Control and Rescue for the lease of certain property at Whitecliff Park and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4461	1-14-14	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-op Program for \$14,742.00.	NGA	
4462	1-14-14	Approving a one year extension of an agreement with Midwest Pool Management, for operation and maintenance of the Whitecliff Park Aquatic Center and authorizing and directing the mayor and city clerk to execute said extension on behalf of the city.	NGA	
4463	1-14-14	Approving annual renewal of the maintenance agreement with St. Louis Electronics-Wireless U.S.A. for repair and maintenance to city's communications systems and	NGA	

		the city.		
4464	1-14-14	Approving annual renewal of the law enforcement services agreement with Rejis Commission for services and support and authorizing the mayor to take certain actions on behalf of the city.	NGA	
4465	1-28-14	Granting conditional use permit modifications to Circle K for the operation of a gas station at 9931 Watson Road, City of Crestwood, Missouri.	NGA	
4466	1-28-14	Amending Ordinance No. 4456, the general fund budget for the fiscal year beginning January 1, 2014, to increase the city's general services account.	NGA	
4467	1-28-14	Approving a purchase order for self-contained breathing apparatus from Sentinel Emergency Solutions, and authorizing the mayor and city clerk to execute same on behalf of the city.	NGA	
4468	2-11-14	Approving an agreement with Botz, Deal & Company, P.C. to provide financial auditing and related services for the fiscal year January 1, 2013 through December 31, 2013 and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4469	2-11-14	Amending Ordinance No. 4456 the general fund budget for the fiscal year beginning January 1, 2014, to provide for the budgeting and appropriation of a fire department grant.	NGA	
4470	2-25-14	Allowing the 2014 Shaw-McCree	NGA	

		local sales tax of the City of Crestwood between April 19—April 25, 2014, and authorizing the mayor and city clerk to implement the same on behalf of the city.		
4471	3-11-14	Approving appropriations for 2014 under the dispatching services agreement with Central County Emergency 911 Dispatching Center and authorizing the mayor and fire chief to take certain actions on behalf of the city.	NGA	
4472	3-11-14	Amending <u>section 14-185</u> - Schedule D - of <u>chapter 14</u> of the Municipal Code of the City of Crestwood, Missouri, pertaining to motor vehicles and traffic.	1	<u>14-185</u>
4473	3-25-14	Amending Ordinance No. 4456, the general fund budget for the fiscal year beginning January 1, 2014, relating to the city's fire department budgets and the accounting of general fund expenditures.	NGA	
4474	3-25-14	Authorizing the purchase of four police vehicles through the Missouri State Bid Cooperative Procurement Program in the total sum of ninety-nine thousand six hundred seventy-four dollars (\$99,674.00) and designating six police vehicles as surplus property.	NGA	
4475	4-22-14	Granting conditional use permit modifications to El Agave to allow outdoor dining at its restaurant at 403 Watson Plaza, City of Crestwood, Missouri.	NGA	

4476	4-22-14	Selecting Kohl's Wholesale as the city's primary concession stand vendor for the 2014 Aquatic Center season and authorizing the city administrator to approve a purchase order in the amount of \$16,500.00 for 2014 concession stand supplies.	NGA	
4477	4-22-14	Approving the agreement with West Contracting for the mill and asphalt overlay project, and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4478	4-22-14	Approving and authorizing the granting of an easement to Ameren Missouri covering property in Whitecliff Park; authorizing the city administrator to negotiate the terms of the easement; and authorizing city officials to execute the same on behalf of the city.	NGA	
4479	4-22-14	Amending Ordinance No. 4457, the capital improvement fund budget for the fiscal year beginning January 1, 2014, relating to the city's police department budgets and the accounting of capital improvement fund expenditures.	NGA	
4480	5-27-14	Authorizing the purchase of a public works vehicle in the total sum not to exceed twenty-three thousand one hundred fifty-seven dollars (\$23,157.00), designating a vehicle as surplus property, and amending Ordinance No. 4457, the capital improvement fund budget, for the fiscal year beginning January 1, 2014 to appropriate funds for such	NGA	

4481	5-27-14	Selecting the city's health insurance provider for the period beginning July 1, 2014 and ending June 30, 2015, and authorizing the city to enter into an agreement with said provider.	NGA	
4482	5-27-14	Selecting the city's dental insurance provider for the period beginning July 1, 2014 and ending June 30, 2015, and authorizing the city to enter into an agreement with said provider.	NGA	
4483	6-10-14	Granting a conditional use permit to Second Chance Career Academy for the operation of a cosmetology school at 9222 Watson Road, City of Crestwood, Missouri.	NGA	
4484	6-10-14	Authorizing the mayor and city clerk of the city of Crestwood, Missouri, to execute the municipal housing and community development cooperation agreement of 2015-2017; and supplemental agreements thereto with St. Louis county with regard to the housing and community development Act of 1974 as amended.	NGA	
4485	6-10-14	Consenting to an assignment of the city's agreement for the collection, transportation, processing and disposal of solid waste to "Here To Serve - Missouri Waste Division, LLC" and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4486	6-10-14	Amending Ordinance No. 4457, the capital improvement fund budget for the fiscal year beginning January 1	NGA	

		department budgets and the accounting of capital improvement fund expenditures.		
4487	6-24-14	Amending <u>section 14-185</u> - Schedule D - of <u>chapter 14</u> of the Municipal Code of the City of Crestwood, Missouri, pertaining to motor vehicles and traffic.	1	<u>14-185</u>
4488	6-24-14	Approving and authorizing the maintenance agreement between the City of Crestwood and the metropolitan St. Louis sewer district for the Phase II Spellman Project and authorizing city officials to execute the same on behalf of the city.	NGA	
4489	7-23-14	Granting a conditional use permit to "To the Pointe Studio of Dance" for the operation of a dance studio at 8904 Watson Road, City of Crestwood, Missouri.	NGA	
4490	7-23-14	Approving the site plan for Imo's Pizza for the construction and operation of a pick-up window at 9600 Watson Road, City of Crestwood, Missouri.	NGA	
4491	7-23-14	Approving an agreement with Coolaire Company for replacement of rooftop HVAC units at Government Center and authorizing the mayor and city clerk to execute the same on behalf of the city.	NGA	
4492	8-12-14	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-Op Program for \$21,021.00.	NGA	
4493	8-26-14	Approving the erection of a building	NGA	

		Crestwood, Missouri.		
4494	9- 9-14	Approving a contract between the City of Crestwood, Missouri, and SCI Engineering, Inc., for material testing and inspection services in connection with the reconstruction of Spellman Avenue Phase II and authorizing the mayor and city clerk to execute all necessary documents in connection with said contract on behalf of the city.	NGA	
4495	9-23-14	Establishing the annual rates of tax levies for the year 2014 on all taxable residential, commercial and personal property in the City of Crestwood, and providing for the extension of said taxes on the books of the collector.	NGA	
4496	10-14-14	Approving a contract between the City of Crestwood, Missouri, and Joseph Ward Painting Co. for sand blasting, caulking and repainting of the competition pool in the Whitecliff Park Aquatic Center.	NGA	
4497	10-14-14	Approving a contract between the City of Crestwood, Missouri, and Lakeside Roofing for removal and replacement of the roof on the community center in Whitecliff Park.	NGA	
4498	10-14-14	Amending Ord. No. 4495.	NGA	
4499	10-14-14	Amending Ord. No. 4459.	NGA	
4500	10-28-14	Approving a settlement agreement with Centrylink.	NGA	
4501	10-28-14	Approving and authorizing the bridge agreement between the City of	NGA	

		International Association of Firefighters, to extend the memorandum of understanding between the parties.		
4502	10-28-14	Amending Ord. No. 1082.	NGA	
4503	11-25-14	Approving an extension of lease agreement with Friends of Animal Control and Rescue.	NGA	
4504	11-25-14	Amending <u>chapter 8</u> of the municipal code of the City of Crestwood pertaining to candidates for office to require a copy of the affidavit filed with the Missouri Department of Revenue.	1	<u>8-5(a), (d), (f)</u>
4505	11-25-14	Amending <u>chapter 19</u> of the municipal code of the City of Crestwood pertaining to the landmarks and urban design commission.	1 Rpld	19-16—19-28
4506	11-25-14	Approving a contract between the City of Crestwood, Missouri, and N.B. West Contracting Co. for construction services in connection with the reconstruction of Spellman Avenue Phase II.	NGA	
4507	11-25-14	Approving a contract between the City of Crestwood, Missouri, and Galaxy Maintenance Incorporated for grass cutting and other services for code enforcement officer.	NGA	
4508	11-25-14	Amending purchase order 96630 with Simpson Construction Materials Company for an additional \$1,500.00 for asphalt.	NGA	

		municipal code of the City of Crestwood pertaining to collective bargaining	Added	
4510	12- 9-14	Granting a conditional use permit to HD Media Systems, LLC for the operation of an electrical/electronic equipment sales and installation business at 10040 Big Bend Boulevard, City of Crestwood, Missouri.	NGA	
4511	12- 9-14	Approving the site plan for PNC Financial Services Group, Inc. for the renovation of the canopy and drive-up teller lanes at 9792 Watson Road, City of Crestwood, Missouri.	NGA	
4512	12- 9-14	Approving the site plan for BP Gasmart for the operation of a gasoline filling station and convenience food market at 9666 Watson Road, City of Crestwood, Missouri.	NGA	
4513	12- 9-14	Approving an initial funding agreement between the City of Crestwood, Missouri, and Crestwood Missouri Partners, LLC.	NGA	
4514	12- 9-14	Approving an agreement between the city of Crestwood, Missouri, and Peckham Guyton Albers and Viets, Inc. ("PGAV") for planning services in connection with the Crestwood Plaza Redevelopment.	NGA	
4515	12- 9-14	Amending <u>chapter 15</u> of the municipal code of the City of Crestwood pertaining to court costs	1	<u>15-31(c)(4)</u>

		Louis County, Missouri, acting for the St. Louis County Emergency communications Commission, to allow the City of Crestwood Police Department to participate in a county-wide emergency communications radio system.		
4517	12- 9-14	Approving an agreement with Bieg Plumbing Company for sanitary sewer lateral investigation program services.	NGA	
4518	12- 9-14	Approving an agreement with Tope Plumbing for sanitary sewer lateral repair services.	NGA	
4519	12- 9-14	Approving an agreement with Coolaire Company for replacement of the HVAC unit serving the police and public works department at the Government Center, lower level.	NGA	
4520	12- 9-14	Approving a one-year extension of an agreement with Midwest Pool Management, for operation and maintenance of the Whitecliff park Aquatic Center.	NGA	
4521	12- 9-14	Approving an extension and amendment of agreement with Throttlenet Inc. for information technology (IT) support services.	NGA	
4522	12- 9-14	Amending <u>chapter 17</u> of the municipal code of the City of Crestwood establishing the Crestwood Beautification Committee.	1 Added	<u>17-25</u>
4523	12- 9-14	Authorizing the purchase of a skid steer loader for the department of public services and declaring current equipment as surplus property and	NGA	

		Ord. No. 4457.		
4524	12- 9-14	Amending Ord. No. 4456.	NGA	
4525	12- 9-14	Amending <u>chapter 10</u> of the municipal code of the City of Crestwood pertaining to floodway/floodplain management.	1 Rpld	<u>10-1</u> —10-8
			Added	<u>10-1</u> —10-8
			2	<u>10-9</u>
4526	12- 9-14	Approving the general fund budget for the fiscal year beginning January 1, 2015, and containing a summary of general fund expenditures.	NGA	
4527	12- 9-14	Approving the capital improvement fund and capital program budgets for the fiscal year beginning January 1, 2015, and containing a summary of capital improvement fund expenditures.	NGA	
4528	12- 9-14	Approving the park and stormwater fund budget for the fiscal year beginning January 1, 2015, and containing a summary of park and stormwater expenditures.	NGA	
4529	12- 9-14	Approving the sewer lateral fund budget for the fiscal year beginning January 1, 2015, and containing a summary of sewer lateral fund expenditures.	NGA	
4530	1-13-15	Approving annual renewal of the law enforcement services agreement with Rejis Commission for services and support.	NGA	

4531	1-13-15	Approving an agreement with Schemersahl Treloar & Company, to provide financial auditing and related services for the fiscal year January 1, 2014, through December 31, 2014.	NGA	
4532	1-13-15	Rezoning	NGA	
4533	1-27-15	Authorizing the purchase of two police vehicles.	NGA	
4534	1-27-15	Authorizing the purchase of a fire department vehicle.	NGA	
4535	1-27-15	Authorizing the purchase of a one ton dump truck with plow and spreader.	NGA	
4536	1-27-15	Authorizing the purchase of a pickup truck with lift gate.	NGA	
4537	1-27-15	Approving the purchase of deicing salt from the St. Louis County Municipal Salt Co-Op Program.	NGA	
4538	1-27-15	Amending Ord. No. 4526.	NGA	
4539	1-27-15	Approving an agreement with Ginnydear's LLC d/b/a The Barn.	NGA	
4540	2-10-15	Authorizing the purchase of a two and one-half ton dump truck.	NGA	
4541	2-24-15	Amending Ord. No. 4526.	NGA	
4542	2-24-15	Approving an increase in the compensation for city administrator and amending Ord. No. 4526.	NGA	
4543	2-24-15	Approving agreements with Rejis and Forte Payment Systems to implement an on-line payment system for the municipal court.	NGA	

4544	3-10-15	Amending Ord. No. 4526.	NGA	
4545	3-10-15	Amending Ord. No. 4527.	NGA	
4546	3-10-15	Amending Ord. No. 4528.	NGA	
4547	3-10-15	Approving the first amendment to initial funding agreement between the City of Crestwood, Missouri, and Crestwood Missouri Partners, LLC.	NGA	
4548	3-24-15	Selecting Kohl Wholesale as the city's primary concession stand vendor for the 2015 Aquatic Center Season.	NGA	
4549	3-24-15	Authorizing the purchase of hot asphalt from Simpson Construction Materials.	NGA	
4550	3-31-15	Approving an agreement between the City of Crestwood, Missouri, and Gilmore & Bell, P.C. for special counsel and bond counsel services in connection with the Crestwood Court Redevelopment Area.	NGA	
4551	4-14-15	Granting conditional use permit modifications to BP Gasmart to allow 24-hour operation of its gasoline filling station and convenience food market at Watson Road, City of Crestwood, Missouri.	NGA	
4552	4-14-15	Approving an agreement for exclusive provision of soft drink products with Coca-Cola Refreshments USA, Inc.	NGA	
4553	4-14-15	Amending <u>chapter 18</u> of the municipal code of the City of Crestwood pertaining to civil service rules and regulations.	1	<u>18-3</u> , note

		of Crestwood, Missouri, Hall & Associates, L.L.C., and Vance Engineering, Inc., for architectural and engineering services for the Spellman Park improvements.		
4555	4-28-15	Approving the final development plan for Pardee Gardens.	NGA	
4556	5-12-15	Approving the agreement with N.B. West Contracting Company for the mill and asphalt overlay project.	NGA	
4557	5-26-15	Approving an emergency contract between the City of Crestwood, Missouri, and C & R Mechanical Company for the repair to the air conditioning unit of the dance studio at the Whitecliff Community Center in Whitecliff Park.	NGA	
4558	5-26-15	Approving an agreement with Playhouse Productions, Inc.	NGA	
4559	6- 9-15	Approving the site plan for King Edward's Chicken and Fish for exterior modifications to a building and site at 8654/52 Watson Road, City of Crestwood, Missouri.	NGA	
4560	6- 9-15	Amending Ord. No. 4527.	NGA	
4561	6- 9-15	An ordinance selecting the city's Health Insurance Provider for the period beginning July 1, 2015, and ending June 30, 2016.	NGA	
4562	6- 9-15	An ordinance selecting the city's Dental Insurance Provider for the period beginning July 1, 2015, and ending June 30, 2016.	NGA	

4563	6- 9-15	An ordinance selecting the city's Life, AD&D, and Long-term Disability Insurance provider for the period beginning July 1, 2015, and ending June 30, 2017.	NGA	
4564	6- 9-15	Amending <u>chapter 6</u> of the municipal code of the City of Crestwood pertaining to domestic animals and fowl.	1	<u>6-17(b)</u>
4565	6- 9-15	Amending <u>chapter 17</u> of the municipal code of the City of Crestwood pertaining to opening and closing time for Crestwood city parks.	1	<u>17-20</u>
4566	6-23-15	Amending purchase order 96777 with Westport Pools.	NGA	
4567	6-23-15	Authorizing a purchase order with Vermont Systems, Inc.	NGA	
4568	6-23-15	Amending purchase order 96855 with Sievers JCB.	NGA	
4569	7-28-15	Authorizing the agreement with All Inclusive Rec, LLC, for the 2015 Crestwood Park Pavilion Replacement Project	NGA	
4570	7-28-15	Approving the agreement with Bric Partnership, LLC, as the HVAC and electrical consultant for the Whitecliff Community Center and Thomas Sappington Historical Complex Project	NGA	
4571	7-28-15	Approving an agreement between the City of Crestwood, Missouri, and Houseal Lavigne Associates for planning services to assist in the	NGA	

4572	8-11-15	Reaffirming and readopting <u>section 2-66</u> of the municipal code of the City of Crestwood, Missouri, relating to the reporting of potential conflicts of interest and substantial interests on the part of the mayor, members of the board of aldermen, the city administrator and the director of finance	1	<u>2-66</u>
4573	8-25-15	Amending <u>chapter 5</u> , article II, of the municipal code of the City of Crestwood pertaining to the sale of liquorT 1	<u>5-19(b)</u>	
4574	8-25-15	Amending Ord. No. 4526, the general fund budget relating to overtime for firefighters and the accounting of genberal fund expenditures	NGA	
4575	8-25-15	Approving the agreement with Dadoworks for consultant services for the Whitecliff Community Center kitchen	NGA	
4576	8-25-15	Approving the agreement with SBC Contracting, Inc. for the construction of the Spellman Park Improvement Project	NGA	
4577	8-25-15	Authorizing the purchase of a pickup truck	NGA	

STATUTORY REFERENCE TABLE

This table shows the location within the Code, either in the text or notes following the text, or references to the state law or related matters.

RSMo Section	Section this Code
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<u>Ch. 24</u>	<u>7-11</u>
25.20	<u>16-24</u>
<u>Ch. 26</u>	<u>7-9, 7-12</u>
31.300	<u>5-24</u>
Ch. 34	<u>13-164</u>
42.220	<u>16-41</u>
Ch. 44	<u>2-64</u>
44.028	<u>2-64</u>
44.080	<u>2-64</u>
44.090	<u>2-64</u>
44.115	<u>2-64</u>
Ch. 53	<u>25-1</u> (note)
67.010	<u>2-101, 2-102</u>
	<u>Ch. 2</u> , Art. IV, Div. 2
	(note)
67.020	<u>2-97</u>
67.050	<u>2-107</u>
67.060	<u>2-109</u>
67.070	<u>2-98</u>
67.305	<u>Ch. 5</u> (note)
	<u>5-23</u>
67.750	<u>Ch. 17</u> (note)
70.450	<u>5-22</u>

70.837	<u>2-65</u>
71.010	<u>1-1</u>
	<u>Ch. 2</u> (note)
71.220	<u>1-6</u>
71.370	<u>Ch. 9</u> (note)
71.520	<u>Ch. 21</u> (note)
71.610	<u>Ch. 13</u> (note)
71.620	<u>13-137</u>
71.680	<u>Ch. 23</u>
71.780	<u>1-6</u>
77.042	<u>2-53</u>
Ch. 79	<u>Ch. 2</u> (note)
79.010	<u>2-1</u>
79.030	<u>Ch. 8</u> (note)
79.060	<u>8-1</u>
79.070	<u>2-21</u>
	<u>Ch. 2</u> , Art. II(note)
	<u>2-48</u>
79.110	<u>1-1</u>
79.130	<u>1-1</u>
	<u>1-14</u>
79.150	<u>2-27</u>

	<u>2-54</u>
	<u>2-57</u>
	<u>Ch. 2</u> , Art. III(note)
	<u>25-1</u>
79.240	<u>2-52</u>
	<u>2-53</u>
79.250	<u>Ch. 2</u> , Art. III(note)
79.260	<u>2-50</u>
	<u>Ch. 2</u> , Art. III(note)
	<u>2-53</u>
79.280	<u>2-51</u>
79.310	<u>2-57</u>
79.370	<u>10-4</u>
	<u>Ch. 12</u> (note)
	<u>16-48</u>
79.380	<u>Ch. 12</u> (note)
	<u>Ch. 21</u> (note)
79.390	<u>Ch. 17</u> (note)
79.420	<u>2-64, 16-19</u>
79.450	<u>1-1</u>
	<u>Ch. 7</u> (note)
	<u>Ch. 7</u> , Art. II(note)

	<u>16-7</u>
	<u>16-11</u>
	<u>16-16</u>
79.470	<u>1-6</u>
84.340	<u>16-3</u>
85.610	<u>20-4</u>
Ch. 88	<u>Ch. 12</u> (note)
	<u>Ch. 21</u> (note)
	<u>Ch. 24</u>
88.710	<u>24-51, 24-52</u>
	<u>24-60</u>
88.713	<u>24-60</u>
88.770	<u>24-39</u>
88.818	<u>2-57</u>
88.842	<u>21-5</u>
88.863	<u>24-52</u>
	<u>24-60</u>
Ch. 89	<u>Ch. 19</u> (note)
	<u>Ch. 26</u> (note)
	26-1
89.020	<u>10-1</u>
89.060	<u>Ch. 26, Art. IV, Div. 12</u>
89.010	<u>Ch. 26, Art. IV, Div. 14</u>

89.080	<u>Ch. 26, Art. IV, Div. 13</u>
	<u>26-364</u>
89.110	<u>10-5</u>
89.120	<u>26-326</u>
89.410	<u>Ch. 26, Art. III(note)</u>
89.420	<u>Ch. 26, Art. III(note)</u>
Ch. 90	<u>Ch. 17(note)</u>
94.190	<u>Ch. 25(note)</u>
	<u>Ch. 25(note)</u>
94.230	<u>Ch. 13(note)</u>
94.270	<u>Ch. 11(note)</u>
	<u>Ch. 13(note)</u>
	<u>Ch. 13, Art. II,</u>
	Div. 5(note)
	<u>Ch. 25, Art. III(note)</u>
94.320	<u>2-57</u>
94.330	<u>2-57</u>
94.500	<u>Ch. 25, Art. II(note)</u>
Ch. 95	<u>Ch. 2, Art. IV(note)</u>
95.360	<u>2-57</u>
95.450	<u>Ch. 9(note)</u>
99.800—99.865	<u>2-84</u>
99 870	<u>2-84</u>

99.825	<u>2-84</u>
99.830	<u>2-84</u>
105.300	<u>2-161</u>
105.540	<u>2-147</u>
Ch. 107	<u>2-4</u>
	<u>Ch. 2, Art. II</u> (note)
109.200	<u>2-6</u>
109.260	<u>2-6</u>
Ch. 111	<u>Ch. 8</u> (note)
Ch. 115	<u>Ch. 8</u> (note)
115.079	<u>8-7</u>
115.115	<u>8-7</u>
115.121	<u>8-7</u>
115.125	<u>8-6</u>
115.237	<u>8-8</u>
115.247	<u>8-8</u>
115.349	<u>8-5</u>
115.407	<u>8-7</u>
115.517	<u>2-48</u>
115.554	<u>2-111</u>
144.010—144.510	<u>25-22</u>
144.010—144.525	<u>25-24</u>
	<u>25-25</u>

Ch. 150	<u>Ch. 13</u> , Art. III(note)
150.010	<u>13-201</u>
150.300	<u>13-201</u>
150.310	<u>13-211</u>
Ch. 192	<u>23-5</u>
192.280	<u>Ch. 12</u> (note)
192.290	<u>Ch. 12</u> (note)
Ch. 194	<u>17-23</u>
195.010	<u>16-53</u> (a)
195.010—195.320	<u>16-53</u> (b)
195.050	<u>16-53</u> (c)
Ch. 196	<u>Ch. 11</u> (note)
196.190	<u>Ch. 11</u> (note)
203.140	<u>Ch. 3</u> (note)
203.151	<u>Ch. 3</u> (note)
209.180	<u>18-2</u>
Ch. 210	<u>16-46</u>
210.110	<u>16-47</u>
Ch. 211	<u>16-41</u>
211.421	<u>16-45</u>
Ch. 214	<u>17-23</u>
226.545	<u>Ch. 19</u> , Art. II(note)
226.650	<u>13-31</u>

229.150	<u>16-55</u>
Ch. 252	<u>16-6</u>
Ch. 260	<u>Ch. 23</u> (note)
260.350	<u>23-5</u>
266.500	<u>Ch. 22</u> (note)
Ch. 287	<u>13-19</u> (d)
291.060	<u>Ch. 11</u> (note)
Ch. 300	<u>Ch. 14</u> (note)
300.010(3)	<u>9-26</u> (a)
300.100	<u>14-13</u>
300.105	<u>14-13</u>
300.175	<u>14-49</u>
300.195	<u>24-40</u>
300.205	<u>14-128</u>
300.230	<u>14-117</u>
300.235	<u>14-117</u>
300.240	<u>14-121</u>
300.260	<u>14-119</u>
300.265	<u>14-120</u>
300.290	<u>14-126</u>
300.310	<u>14-17</u>
300.360	<u>14-22</u>
300.415	<u>14-153</u>

300.430	<u>14-154</u>
300.455	<u>14-156</u>
300.485	<u>14-154</u>
300.550	<u>14-28</u>
300.595	<u>14-163</u>
300.600	<u>14-2</u>
301.010	<u>16-3</u>
301.002—301.4000	<u>14-134</u>
302	<u>14-125(c)(5)</u>
302.010	<u>16-3</u>
302.010—302.782	<u>14-135</u>
302.020	<u>14-9, 14-12</u>
302.060	<u>14-10</u>
302.130	<u>14-10.1</u>
302.177	<u>14-10.1</u>
302.181	<u>14-9</u>
302.260	<u>14-9</u>
302.321	<u>14-9</u>
Ch. 303	<u>14-30</u>
303.010—303.415	<u>14-136</u>
303.024.4	<u>14-30</u>
303.220	<u>14-30</u>
303.230	<u>14-30</u>

303.240	<u>14-30</u>
304.001—304.705	<u>14-137</u>
304.010	<u>Ch. 14</u> , Art. V(note)
304.015	<u>14-112</u>
304.016	<u>14-113</u>
304.017	<u>14-114</u>
304.019	<u>14-118</u>
304.022	<u>14-13</u>
304.022.4(1)—(8)	<u>14-13</u>
304.025	<u>14-13</u>
304.030	<u>14-123</u> , <u>14-124</u>
304.040	<u>14-123</u>
304.050	<u>14-123(a)</u>
304.120	<u>Ch. 14</u> (note)
304.160	<u>16-55</u>
304.180	<u>14-27</u>
304.341	<u>14-116</u> , <u>14-117</u>
304.351	<u>14-115</u>
Ch. 307	<u>Ch. 14</u> , Art. IV(note)
307.010—373.782	<u>14-138</u>
307.020	<u>14-86</u>
307.040	<u>14-86</u>
307.170	<u>14-87</u> — <u>14-92</u>

307.175	<u>14-13</u>
307.180	<u>14-25</u>
Ch. 311	<u>Ch. 5</u> (note)
311.020	<u>5-16, 5-71</u>
311.050	<u>Ch. 5</u> , Art. II, Div. 2
	(note)
311.060	<u>5-48</u>
311.080	<u>5-19</u>
311.090	<u>5-19</u>
311.097	<u>5-26</u>
311.110	<u>5-27</u>
311.180	<u>5-41</u>
311.200	<u>5-16, 5-42, 5-43</u>
311.210	<u>5-49</u>
311.220	<u>Ch. 5</u> , Art. II, Div. 2
	(note)
311.240	<u>5-57, 5-58</u>
311.250	<u>5-56</u>
311.290	<u>5-26</u>
311.300	<u>5-89</u>
311.310	<u>5-22</u>
311.320	<u>5-23</u>
311.325	<u>5-23</u>

311.330	<u>5-20</u>
311.470	<u>5-18</u>
311.610	<u>5-59</u>
Ch. 312	<u>Ch. 5</u> (note)
312.010	<u>5-71</u>
312.040	<u>5-105</u> ,
	<u>Ch. 5</u> , Art. III, Div. 2
	(note)
312.060	<u>5-77</u>
312.110	<u>5-111</u> , <u>5-116</u>
312.140	<u>Ch. 5</u> , Art. III(note)
312.160	<u>5-84</u>
312.170	<u>5-90</u>
312.300	<u>5-80</u>
312.310	<u>5-74</u>
312.400	<u>5-87</u>
312.407	<u>5-88</u>
312.410	<u>5-78</u>
312.430	<u>5-76</u>
312.460	<u>5-83</u>
312.470	<u>5-82</u>
Ch. 315	<u>13-228</u>
319.010	<u>Ch. 7</u> , Art. III(note)

319.015	<u>7-81</u>
Ch. 321	<u>9-20</u>
321.242	<u>25-25</u>
322.040	<u>6-14</u>
322.060	<u>6-14</u>
322.090—322.130	<u>6-3</u>
327.091	<u>2-125</u>
327.181	<u>2-125</u>
327.272	<u>2-125</u>
334.500	<u>Ch. 13</u> , Art. II, Div. 6
	(note)
Ch. 340	<u>6-1</u>
Ch. 343	<u>Ch. 13</u> , Art. II, Div. 5
	(note)
Ch. 353	<u>Ch. 19</u> , Art. III
388.380	<u>2-64</u>
389.610	<u>2-64</u>
389.990	<u>16-19</u>
393.275.2	<u>25-44</u>
Ch. 414	<u>Ch. 13</u> , Art. II, Div. 3
	(note)
431.055	<u>16-46</u>
432.070	<u>Ch. 2</u> , Art. IV, Div. 3

	(note)
441.500	<u>Ch. 7</u> , Art. II(note)
Ch. 455	<u>16-101</u>
475.010	<u>16-1</u>
Ch. 479	<u>Ch. 15</u>
479.100	<u>20-8</u>
479.260	<u>15-31</u>
491.140	<u>16-24</u>
491.060	<u>14-125(d)(1)</u>
Ch. 542	<u>16-11</u>
542.281	<u>16-38</u>
Ch. 544	<u>20-8</u> (note)
545.340	<u>16-24</u>
Ch. 556	<u>Ch. 16</u> (note)
559.026	<u>15-34</u>
560.140	<u>16-28</u>
563.031	<u>16-3</u>
Ch. 565(note)	<u>16-2</u>
565.090	<u>16-22</u>
Ch. 566	<u>16-39, 16-47</u>
566.130	<u>16-38</u>
Ch. 567	<u>16-39</u>
Ch. 568	<u>16-39</u>

569.080	<u>16-30</u>
569.100	<u>16-2, 16-28</u>
569.150	<u>16-28</u>
Ch. 570	<u>16-31</u>
570.030	<u>16-33</u>
570.080	<u>16-32</u>
570.120	<u>16-34</u>
570.130	<u>16-52</u>
571.020	<u>16-3</u>
571.070	<u>16-4</u>
571.094	<u>16-3, 16-4</u>
571.095	<u>16-9</u>
Ch. 573	<u>13-165, 16-38, 16-39</u>
	<u>16-48, 22-37</u>
573.010	<u>22-32</u>
574.010	<u>16-11</u>
	<u>16-14</u>
	<u>16-31</u>
574.040	<u>16-13</u>
574.050	<u>16-13</u>
574.075	Ch. 5(note)
575.080	<u>16-27</u>
575.120	<u>16-25</u>

577.00	<u>5-23(d)</u>
577.010	<u>14-11, 14-125</u>
577.020—577.041	<u>14-125(c)(1), (c)(3), (d)(4)</u>
577.070	<u>16-55</u>
577.100	<u>16-10</u>
578.009—578.012	<u>6-19</u>
578.018	<u>6-19</u>
578.021	<u>6-19</u>
590.100—590.180	<u>15-31(d)</u>
Ch. 610	<u>2-61</u>
	<u>Ch. 2, Art. II(note)</u>
	<u>16-58(a)</u>
	<u>17-1</u>
	<u>Ch. 26, Art. IV, Div. 13</u>
620.100	<u>Ch. 13, Art. II, Div. 6</u>
	(note)
Ch. 700	<u>Ch. 13, Art. II, Div. 2</u>
	(note)
700.010	<u>14-133</u>
Ch. 701	<u>Ch. 7(note)</u>